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# Foreword

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I welcome this small volume which brings together in a compact form the relevant and important documents that have emanated from the British Government and the Indian parties relating to the Cabinet Mission.

As some of the provisions in the British Government's proposals have lent themselves to varied and conflicting interpretations, constant reference to the state documents has become necessary and it is convenient to have them in a handy form.

*Rajendra Prasad*

*New Delhi,*

*June 26, 1946.*

# CABINET MISSION IN INDIA



*Foreword By* **DR. RAJENDRA PRASAD**

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Roxy Printing Press, New Delhi, and  
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## Lord Pethick-Lawrence Announces Mission in House of Lords

*(February 19, 1946)*

The House will recall that on September 19 last year, on his return to India after discussions with the British Government, the Viceroy made a statement of policy in the course of which he outlined the positive steps to be taken immediately after the Central and Provincial elections to promote in conjunction with leaders of Indian opinion the early realization of full self-government in India. Those steps include :

First, preparatory discussions with elected representatives of British India and with Indian States in order to secure the widest measure of agreement as to the method of framing a constitution ;

Second, the setting up of a constitution-making body ; and

Third, the bringing into being an executive council having the support of the main Indian parties.

Elections at the centre were held at the end of last year and in some of the provinces they are also over and responsible governments are in the process of formation. In other provinces polling dates are spread over the next few weeks. With the approach of the electoral campaign, the British Government have been considering the most fruitful method of giving effect to the programme to which I have referred.

In view of the paramount importance not only to India and to the British Commonwealth but to the peace of the world of successful outcome of discussions with leaders of Indian opinion the British Government have decided<sup>1</sup> with the approval of His Majesty the King to send out to India a special mission of Cabinet Ministers (Lord Pethick-Lawrence,



Sir Stafford Cripps and Mr. Albert V. Alexander) to act in association with the Viceroy in this matter. This decision has the full concurrence of Lord Wavell.

I feel sure that the House will give its support and goodwill to the Ministers and the Viceroy in carrying out a task in which the future of 400,000,000 people and crucial issues both for India and the world will be at stake.

During the absence of these ministers, the Prime Minister will himself assume responsibility for Admiralty business and the Lord President (Mr. Herbert Morrison) will be in charge of the Board of Trade.

So far as the India and Burma offices are concerned, the Parliamentary Under-Secretary of State (Major Arthur Henderson) will be in charge during my own absence, but he will be able to rely upon the personal advice of the Prime Minister whenever it is required and he will refer important issues to him, particularly those affecting Burma where the Government will not, like the Viceroy, be in personal touch with myself.

## Mr. Attlee's Statement in House of Commons

(March 13, 1946)

I find from our friends in this House who had been out to India and returned, from letters received from Indians and from Englishmen in India of all points of view, complete agreement on the fact that India is today in a state of great tension and that this is indeed a critical moment. I am quite sure that everyone in this House realizes the difficulty of this task which the members of the Mission have undertaken in conjunction with the Viceroy and that no one will desire to say anything whatever that will make that task more difficult.

It is time emphatically for a very definite and clear action. I do not intend to make a long speech. I do not think it would be wise to do so and in particular it would be most unhelpful to review the past. It is so easy to go back over the past, and in accordance with one's predilections to apportion blame for past failures in long-drawn-out discussions on this extraordinarily difficult problem—the problem of development of India into a completely self-governing nation. In the long period of the past, it is so easy to point out and say that at this stage or that stage opportunities were missed by faults on one side or other.

I have had very close connection with this problem for nearly 20 years and I say there have been faults on both sides, but this time, we should look to the future rather than harp back to the past. Thus I would say it is no good applying the formula of the past to the present position. The temperature of 1946 is not the temperature of 1920, 1930 or even 1942. The slogans of earlier days are discarded. Sometimes, words that seemed at that time to Indians to express the height of their aspirations are now set on one side and other words and ideas thrust forward.

Nothing increases the pace and movement of public opinion more than a great war. Everyone who had

anything to do with this question in the early days between the war knows what effect the war of 1914-18 had on Indian aspirations and ideas. The tide that runs comparatively slowly in peace becomes vastly accelerated in wartime, and especially directly afterwards, because that tide is to some extent banked up during war. I am quite certain that at the present time the tide of nationalism is running very fast in India and indeed all over Asia.

One always has to remember that India is affected by what happens elsewhere in Asia. I remember when I was on the Simon Commission what effect the challenge that had been thrown out by Japan at that time had had on the Asiatic people and the tide of nationalism that at one time seemed to be canalized among a comparatively small portion of the people of India, mainly a few of the educated classes, has tended to spread wider and wider.

I remember that in the Simon Commission report although there were great differences in expression of the nationalistic sentiment between what were called extremist and moderate and although in many instances there might be such stress of communal claims as may seem almost to exclude the conception of nationalism, we found that among Hindus, Muslims, Sikhs and Marhattas, politicians or civil servants—among all of them—that conception of nationalism had been growing stronger and stronger and today I think that the national idea has spread right through, not the least perhaps among some of those soldiers who had done such wonderful service in the war.

I would like today, therefore, not to stress so much the differences between the Indians, but let us all realize that whatever the difficulties and divisions may be there is this underlying demand among all the Indian people.

There will be matters undoubtedly on which it is necessary to refer back for Cabinet decision, but in our fluid position at the present time when we desire to get the utmost co-operation and goodwill between all leaders.

of Indian opinion it would be unwise to try and tie down those who are going out too rigidly.

The obvious reasons for sending out the Cabinet Ministers is that you send out persons of responsibility who are able to take decisions. Of course, there must be an area in which there may have to be a reference back.

It is worth remembering that twice in 25 years India has played a great part in the defeat of tyranny. Therefore, is it any wonder that today she claims—a nation of four hundred million people that twice sent her sons to die for freedom—that she should herself have freedom to decide her own destiny? (Cheers).

My colleagues are going to India with the intention of using their utmost endeavours to help her to attain that freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide, but our desire is to help her to set up forthwith a machinery for making that decision.

There you have met with the initial difficulty of getting that machinery set up, but we are resolved that a machinery shall be set up and we seek the utmost co-operation of all Indian leaders to do so.

India herself must choose as to what will be her future situation and her position in the world. Unity may come through the United Nations or through the Commonwealth, but no great nation can stand alone by herself without sharing what is happening in the world.

I hope that India may elect to remain within the British Commonwealth. I am certain that she will find great advantage in doing so, but if she does she must do it of her own free will, for the British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free people. If on the other hand she elects for independence—and in our view she has a right to do so—it will be for us to help make the transition as smooth and easy as possible.

I am well aware that when I speak of India I speak of a country containing congeries of races, religions and languages and I know well the difficulties thereby created but these difficulties can only be overcome by Indians.

We are mindful of the rights of the minorities and the minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place their veto on the advance of a majority. We cannot dictate how these difficulties shall be overcome. Our first duty is to get a machinery set up and that is the main purpose of the Ministerial Mission and the Viceroy.

We want to see set up an interim government—one of the purposes of the Bill which has been discussed today—to give the Viceroy greater freedom in order that in the period which is to elapse while a constitution is being worked out, you may have a government enjoying the greatest possible support in India. I would not like to fetter the Viceroy's decision in any way in regard to the choice of portfolios.

In many Indian States, great advance has been made and there is a most interesting experiment in Travancore. Of course, feelings in India with regard to nationalism and unity of India cannot be confined by boundaries that separate the States from the provinces.

I am hoping that statesmen of Britain and of Princely India will be able to work out a solution of the problem of bringing together in one great polity the various constituent parts, and there again we must see that Indian States find their due place. I do not believe for a moment that the Indian Princes would desire to be a bar in the forward march of India.

This is a matter which Indians will settle themselves. I am very well aware of the minority problem in India. I think all Indian leaders are realizing more and more the need for getting a settlement of these minority problems if India is to have a smooth passage in future years and I believe that due provision will be made for them in the constitution.

The Mission will certainly not neglect this point. But you cannot make Indians responsible for governing themselves and at the same time retain over here the responsibility for treatment of minorities and powers of intervention on their behalf.

We are mindful too of the position of the services and of the men who have done great service to India. India should be sensible of the responsibility she has to those who have served her.

Any interim government which takes over the assets of the Government will also take over the liabilities. That again is a point to be dealt with later on. It does not concern the immediate setting up of the Instrument of Decision.

With regard to the treaty, we are not going to hang out for anything for our own advantage which would be to the disadvantage of India.

Let me stress again the crucial nature of the task before us. This problem is of vital importance not only to India and the British Commonwealth and Empire but to the world.

In the mass of Asia, and Asia ravaged by war, we have here the one country that has been seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia.

It is a most unfortunate circumstance that just at the time when we have to deal with these great political issues there should be grave economic difficulties. In particular, we have very grave anxiety over India's food supply.

The House knows that the British Government are deeply concerned in this problem and the Minister of Food is now in the United States with the Indian Delegation. We shall do our utmost to help India.

I do not think I should refer to the social and economic difficulties except to say that I believe that these

difficulties can only be solved by Indians themselves because they are so closely bound up with the whole Indian way of life and outlook. Whatever we can do to assist we shall do.

My colleagues are going out to India resolved to succeed and I am sure everyone will wish them god-speed.

## Statement by the Cabinet Delegation and the Viceroy

(May 16, 1946)

1. On March 15, just before the despatch of the Cabinet Delegation to India, Mr. Attlee, the British Prime Minister, used these words.—

My colleagues are going to India with the intention of using their utmost endeavours to help her attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide but our desire is to help her to set up forthwith the machinery for making that decision.

\* \* \*

I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so.

\* \* \*

But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not hound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.

2. Charged in these historic words we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try and



reach a settlement but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

### Interim Government

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the Provinces of the Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged.

The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of Government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures \* show—

**North-Western Area—**

	Muslims	Non-Muslims
Punjab .. .. .	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind .. .. .	3,208,325	1,326,683
British Baluchistan ..	438,930	62,701
	<hr/> 22,653,294	<hr/> 13,840,231
	<hr/> 62.07%	<hr/> 37.93%

**North-Eastern Area—**

Bengal .. .. .	33,005,434	27,301,091
Assam .. .. .	3,442,479	6,762,254
	<hr/> 36,447,913	<hr/> 34,063,345
	<hr/> 51.69%	<hr/> 48.31%

\* All population figures in this statement are from the most recent census taken in 1941.

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

### **Pakistan Impracticable**

These figures show that the setting up of a separate Sovereign State of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally in our view be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur Divisions in the Punjab, (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23·6 per cent of the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover any division of the Punjab would of necessity divide the Sikhs leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and

military considerations. The whole of the transportation, and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long tradition and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are, therefore, unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

### Congress Case

12. This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this, the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with compulsory subjects, were responsible to the whole of India, while other Ministers, who dealt with optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government.

This fact has been fully recognized by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building

up of the new constitutional structure and it by no means follows that it will be identical for all the States. We have not, therefore, dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for all India.

### **Six Major Proposals**

15. We recommend that the constitution should take the following basic form—

- (1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects :—Foreign Affairs; Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects.
- (2) The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.
- (3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.
- (4) The States will retain all subjects and powers other than those ceded to the Union.
- (5) Provinces should be free to form Groups with executives and legislatures, and

each Group could determine the Provincial subjects to be taken in common.

- (6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority, vote of its Legislative Assembly call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

### Constituent Assembly

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any Assembly to decide a new constitutional structure, the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduce such a step would lead to a wholly unacceptable delay in the formulation of the new Constitution. The only practicable alternative is to utilize the recently elected Provincial Legislative Assemblies as the electing bodies.

There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear

the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the Provincial population. After a most careful consideration of the various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

- (a) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.
- (b) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population.
- (c) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognize only three main communities in India: General, Muslim and Sikh; the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out below to give them a full representation upon all matters of special interest to the minorities.



- 19.—(i) We, therefore, propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote :

**Table of Representation**

SECTION A.				
Province	General	Muslim	Total	
Madras	45	4	49	
Bombay	.. 19	2	21	
United Provinces	.. 47	8	55	
Bihar	.. 31	5	36	
Central Provinces	.. 16	1	17	
Orissa	.. 9	0	9	
Total	167	20	187	
SECTION B.				
Province	General	Muslim	Sikh	Total
Punjab	.. 8	16	4	28
N.W.F.P.	.. 0	3	0	3
Sind	.. 1	3	0	4
Total	9	22	4	35
SECTION C.				
Province	General	Muslim	Total	
Bengal	.. 27	33	60	
Assam	.. 7	3	10	
Total	34	36	70	
Total for British India	..		..	292
Maximum for Indian States	..		..	93
Total				385

*Note :—*In order to represent the Chief Commissioners Provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council. To Section B will be added a representative of British Baluchistan.

- (ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.
- (iii) The representatives thus chosen shall meet at New Delhi as soon as possible.
- (iv) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter, the provincial representatives will divide up into the three sections shown under A, B and C, in the Table of Representation in sub-paragraph (i) of this paragraph.
- (v) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those Provinces and, if so, with what provincial subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (viii) below.
- (vi) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

- (vii) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities.

The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

- (viii) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial, Group or Union constitution.

#### States' Negotiating Committee

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a Treaty between the Union Constituent Assembly and the United Kingdom

to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented.

For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognizing the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian Parties, and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable

you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognize with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the effort which we and the Indian Parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian Parties alone. The alternative would, therefore, be a grave danger of violence, chaos, and civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We, therefore, lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But there are matters for your own free choice. Whatever that choice may be we look forward with you to your ever-increasing prosperity among the great nations of the world, and to a future even more glorious than your past.

## Lord Pethick-Lawrence Broadcasts Proposals

(May 16, 1946)

The words which I shall speak to you are concerned with the future of a great people—the people of India. There is a passionate desire in the hearts of Indians expressed by the leaders of all their political parties for independence.

His Majesty's Government and the British people as a whole are fully ready to accord this independence whether within or without the British Commonwealth and hope that out of it will spring a lasting and friendly association between our two peoples on a footing of complete equality.

Nearly two months ago I, as Secretary of State for India, and my two Cabinet colleagues, Sir Stafford Cripps and Mr. A. V. Alexander, were sent out by His Majesty's Government to India to assist the Viceroy in setting up in India the machinery by which Indians can devise their own constitution.

We were at once confronted with a major obstacle. The two principal parties—the Muslim League who won the great majority of the Muslim seats in the recent elections, and the Congress who won the majority of all the others—were opposed to one another as to the kind of machinery to be set up. The Muslim League claimed that British India should be divided into two completely separate Sovereign States, and refused to take part in constitution-making unless this claim was conceded in advance. Congress insisted on one single united India.

During our stay in India we have tried by every means to secure such accommodation between the parties as would enable constitution-making to proceed. Recently we were able to bring them together at Simla in a conference with ourselves but though both sides were prepared to make substantial concessions it was not found pos-

sible to reach complete agreement. We have therefore been compelled ourselves to seek for a solution which by securing the main objects of both parties will enable constitution-making machinery to be brought into immediate operation.

While we recognize the reality of the fear of the Muslim League that in a purely unitary India their community with its own culture and way of life might become submerged in a majority Hindu rule, we do not accept the setting up of a separate Muslim Sovereign State as a solution of the communal problem. Pakistan as the Muslim League would call their State would not consist solely of Muslims: it would contain a substantial minority of other communities which would average over 40 per cent and, in certain wide areas, would even constitute a majority, as for instance in the city of Calcutta where the Muslims form less than one-third of the population.

Moreover the complete separation of Pakistan from the rest of India would in our view gravely endanger the defence of the whole country by splitting the army into two and by preventing that defence in depth which is essential in modern war. We therefore do not suggest the adoption of this proposal.

Our own recommendations contemplate a constitution of three tiers at the top of which would be the Union of India with an executive and legislature empowered to deal with the essential subjects of external affairs, defence and communications and the finance necessary for these services. At the bottom would be the provinces which would have, apart from the subjects I have just named, complete autonomy.

But we contemplate further that provinces will wish to unite together in groups to carry out, in common, services covering a wider area than that of a single province; and these groups may have, if they wish, legislatures and executives which in that event will be intermediate between those of the provinces and those of the Union.

On this basis which makes it possible for the Muslims to secure the advantages of the Pakistan without incurring the dangers inherent in the division of India we invite Indians of all parties to take part in framing a constitution. The Viceroy will accordingly summon to New Delhi representatives of British India who will be elected by the members of the provincial legislatures in such a way that as nearly as possible for each one million of the population there will be one representative, and that the proportion between the representatives of the main communities will be on the same basis.

After a preliminary meeting in common, these representatives of the provinces will divide themselves up into three Sections the composition of which is laid down and which if the provinces ultimately agree, will become the three Groups. These Sections will decide upon Provincial and Group matters. Subsequently they will reunite to decide upon the constitution for the Union. After the first elections under the new constitution, provinces will be free to opt out of the Group into which they have been provisionally placed.

We appreciate that this machinery does not of itself give any effective representation to other than the principal minorities and we are therefore providing for a special committee to be set up, in which the minorities will play a full part. The business of this committee will be to formulate fundamental and minority rights and to recommend their inclusion in the constitution at the appropriate level.

So far I have said nothing about the Indian States which comprise a third of the area of India and contain about one quarter of the whole population. These States at present are each separately governed and have individual relationships with the British Crown. There is general recognition that when British India attains independence the position of these States cannot remain unaffected, and it is anticipated that they will wish to take part in the constitution-making process and be represented in the all-India Union. It does not, however, lie within



our province to decide these matters in advance as they will have to be the subject of negotiation with the States before action can be taken.

During the making of the constitution, the administration must be carried on and we attach therefore the greatest importance to the setting up at once of an interim Government having the support of the major political parties. The Viceroy has already started discussions to this end and he hopes to bring them shortly to a successful issue.

During the interim period the British Government, recognizing the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

The essence of statecraft is to envisage the probable course of future events but no statesmen can be wise enough to frame a constitution which will adequately meet all the requirements of an unknown future. We may be confident therefore that the Indians on whom falls the responsibility of creating the initial constitution will give it a reasonable flexibility and will make provision for it to be revised and amended as required from time to time.

In this short talk you will not expect me to go into further details regarding our proposals which you can read in the statement which has been released for publication this evening.

But in conclusion, I will repeat and emphasize what to me is the fundamental issue. The future of India and how that future is inaugurated are matters of vital importance not only to India herself but to the whole world. If a great new sovereign state can come into being in a spirit of mutual goodwill both within and without India, that of itself will be an outstanding contribution to world stability.

The Government and people of Britain are not only willing, they are anxious to play their full part in achieving this result. But the constitution for India has to be framed by Indians and worked by Indians when they have brought it into being. We appreciate to the full the difficulties which confront them in embarking on this task. We have done and we will continue to do all that lies in our power to help them to overcome these difficulties. But the responsibility and the opportunity is theirs and in their fulfilment of it we wish them godspeed.

## Sir Stafford Cripps' Exposition of Proposals at a Press Conference

(May 16, 1946)

The first thing I want to point out is what the statement does not purport to do. Let me remind you that this is not merely the Mission's statement, that is the statement of the four signatories, but it is the statement of His Majesty's Government in the United Kingdom. Now the statement does not purport to set out a new constitution for India. It is of no use asking us "how do you propose to do this or that?" The answer will be we don't propose to do anything as regards decision upon a constitution that is not for us to decide.

What we have had to do is to lay down one or two broad principles of how the constitution might be constructed and recommend those as foundations to the Indian people. You will notice we use the word 'recommend' with regard to the ultimate constitutional forms with which we deal.

You may quite fairly ask : 'But why do you recommend anything; why not leave it to the Indians?' The answer is that we are most anxious to get all Indians into some constitution-making machinery as quickly as possible and the block at present is in this matter. We are, therefore, by this means trying to remove the block so that the constitution-making may start and progress freely and rapidly. We hope very earnestly that that will be the effect.

Now that it has been finally and absolutely decided that India is to have the complete independence she desires, whether within or without the British Commonwealth as she chooses, we are anxious that she shall have it as soon as possible and the soonest is when there is a new constitutional structure decided upon by the Indian people.

But of course, we cannot just stand by and wait till that time comes. It is bound to take some time to reach that point of completion of the new constitutional structure.

So as you know, the Viceroy, in whose province Government-making primarily lies, has already started his talks with a view to the immediate setting up of a representative Indian Government. We hope that, with the other issues out of the way, on the basis of our statement, he will be able very rapidly to get that new Government representative of the main parties set up and in operation.

This matter of the interim Government is of supreme importance because of the enormous tasks facing India at the moment. It is these great tasks, and perhaps the greatest of them is to deal with the food situation, that makes it absolutely essential that we should between us arrange a smooth and efficient transition.

Nothing could be more fatal to the Indian people today in the face of dangers of famine than a breakdown of administration and communications anywhere in India, and that is why we stress as we do the vital need for co-operation between all parties and communities including the British in this time of transition.

### **British Withdrawal**

So much then for the vitally important point of the interim Government. Some of you wonder how soon this means that the British will sever their governmental connection with India—I hope that in any event we shall remain the closest friends when Indian freedom comes. Well, we certainly can't say that. Who can foretell how quickly constitutions can be hammered out? One thing is, however, absolutely certain and this is the quicker you start the quicker you will end and the sooner we shall be able to withdraw, handing over the power to the new Governments of the Union, Provinces and, if it is so decided, of the Groups.

This brings me to what has been decided rather than recommended. It has been decided to make a start with the constitution-making right away. This does not mean a decision as to what the constitution shall finally be ; that is for decision by the representatives of the Indian people. What it does mean is that the deadlock which has prevented a start on the process of constitution-making is to be removed once and for all.

The form in which we propose that the constitution-making bodies should be assembled is important for this reason. It permits of arriving at constitutions in the recommended form. It goes a little further than that in one respect.

As we believe and hope that the two parties will come into this constitution-making on the basis of our recommendations, it would not be fair to either of them if the fundamental basis which we recommend could be easily departed from. So we stipulate that a departure from that basis, which is laid down in paragraph 15 of the statement, should only be made if a majority of both communities agree to it. That I think is eminently fair to both parties.

It does not mean that no departure can be made from the recommendations, but it does mean that the special provisions I have mentioned will apply to such resolutions in the constituent assembly of the Union. That is one special provision as to particular majorities. The only other is in relation to matters raising any major communal issue, when a similar rule will apply. All the rest is left to the free play of discussion and vote.

One question I am sure will occur to all of you and that is why we have named the three sections of provinces into which the Assembly will break up to formulate the Provincial and Group Constitutions.

There was a very good reason for this. First of all, of course, somehow or other those groups had to be formed before they could proceed to their business.

There were two ways of dealing with that matter. Either let the present Provincial Governments opt themselves into groups or—after seeing the constitutions produced—let the new governments, after the whole constitution-making is complete, opt themselves out if they wish.

We have chosen the second alternative for two reasons. First, because it follows the suggestion Congress put forward as regards the provinces and a single federation. They suggested that all the provinces should come in at the beginning but could opt out, if they did not like the constitution when they had seen it. We think that this principle should apply to the Groups.

Second, the present legislatures are not truly representative of the whole population because of the effect of the Communal Award with its weightages. We have tried to get a scheme as near as possible to the full adult suffrage, which would be fairest but which would take probably two years to work out—and no one believes that we could wait that length of time before starting on constitution-making.

So we discard the present legislatures as decisive for the option and say let it be exercised when the first new elections have taken place, when no doubt there will be a much fuller franchise and when, if necessary, the precise issue can be raised at the election. So the three sections will formulate the Provincial and Group Constitutions and when that is done they work together with the States' representatives to make the Union Constitution. That is the final phase.

### **States' Future**

Now a word about the States. The statement in paragraph 14 makes the position quite clear that paramountcy cannot be continued after the new constitution comes into operation nor can it be handed over to anyone else. It isn't necessary for me to state, I am sure, that a contract or arrangement of this kind cannot be handed over to a third party without the consent of the States. They will, therefore, become wholly independent

but they have expressed their wish to negotiate their way into the Union and that is a matter we leave to negotiation between the States and the British Indian parties.

There is one other important provision which I would like to stress as it is somewhat novel in constitution-making. We were met by the difficulty of how we could deal fairly with the smaller minorities, the tribal and the excluded areas.

In any constitution-making body it would be quite impossible to give them a weightage which would secure for them any effective influence without gravely upsetting the balance between the major parties. To give them a tiny representation would be useless to them. So we decided that minorities would be dealt with really in a double way.

The major minorities, such as the Hindus in Muslim provinces, and the Muslims in Hindu provinces, the Sikhs in the Punjab and the Depressed Classes, who had considerable representation in a number of provinces would be dealt with by proportional representation in the main construction of the constitution-making bodies.

But in order to give these minorities, and particularly the smaller minorities like the Indian Christians and the Anglo-Indians and also the Tribal representatives, a better opportunity of influencing minority provisions, we have made provisions for the setting up by the constitution-making body of an influential Advisory Commission which will take the initiative in the preparation of the list of fundamental rights, the minority protection clauses and the proposals for the administration of tribal and excluded areas. This Commission will make its recommendations to the constitution-making body and will also suggest at which stage or stages in the constitution these provisions should be inserted, that is whether in the Union, Group or Provincial Constitutions or in any two or more of them.

Now that, I think, gives you some picture of the main points with which we have dealt in our statement.

There is only one other point that I want to stress before leaving the matter with you until tomorrow morning.

You will realize, I am sure, how terribly important is this moment of decision for the Indian people.

We are all agreed that we want a speedy conclusion of these matters, so far we have not been able all to agree upon how it should be brought about. We have done in this statement what we believe to be best after two months of discussion and very hard work and in the light of all we have heard and studied. This is our firm opinion and we do not, of course, intend to start all the negotiations over again.

We intend to get on with the job on the lines we have laid down. We ask the Indian people to give this statement calm and careful consideration. I believe that the happiness of their future depends upon what they now do. If failing their agreement, they will accept this method that we put forward of getting on with the making of a new constitution for India, we can between us make it a smooth transition and a rapid one, but if the plan is not accepted no one can say how great will be the disturbances, or how acute and long the suffering that will be self-inflicted on the Indian people.

### **Security Reiterated**

We are convinced that this statement offers an honourable and peaceful method to all parties and if they will accept it we will do all that lies in our power to help forward the constitution-making so as to arrive at the speediest possible settlement.

Let no one doubt for one moment our intentions. We have not come to India and stayed here so long and worked so hard except to carry out what has long been the policy of the British Labour Party and that is to transfer power to the Indian people as quickly as smoothly and as co-operatively as the difficulties of the process permit.

We hope from the bottom of our hearts that the Indian people will accept the statement in the spirit of co-operation in which it has been drawn up, and that within a week or two the process of constitution-making may begin and the interim Government may be formed.



## Viceroy's Broadcast

(May 17, 1946)

I speak to the people of India at the most critical hour of India's history. The statement of the Cabinet Delegation containing their recommendations has now been before you for twenty-four hours. It is a blueprint for freedom, an outline of which your representatives have to fill in the details and construct the building.

You will have studied the statement, most of you, and may perhaps already have formed your opinion on it. If you think that it shows a path to reach the summit at which you have been aiming for so long, the independence of India, I am sure you will be eager to take it. If you should have formed the view—I hope you have not—that there is no passage that way, I hope that you will study again the route indicated to you, and see whether the difficulties in the path—and we know they are formidable—cannot be surmounted by skill and patience and boldness.

I can assure you of this, that very much hard work, very much earnest study, very much anxious thought, and all the goodwill and sincerity at our command have gone to the making of these recommendations. We would much have preferred that the Indian leaders should have themselves reached agreement on the course to be followed, and we have done our best to persuade them; but it has not been found possible, in spite of concessions on both sides which at one time promised results.

These proposals put before you are obviously not those that any one of the parties would have chosen if left to itself; but I do believe that they offer a reasonable and workable basis on which to found India's future constitution. They preserve the essential unity of India which is threatened by the dispute between the two major communities; and in especial they remove the danger of the disruption of

that great fellowship, the Indian Army, to which India already owes so much and on whose strength, unity and efficiency her future security will depend. They offer to the Muslim community the right to direct their own essential interests, their religion, their education, their culture, their economic and other concerns in their own way and to their own best advantage. To another great community, the Sikhs, they preserve the unity of their homeland, the Punjab, in which they have played and can still play so important and influential a part.

They provide, in the Special Committee which forms a feature of the constitution-making machinery, the best chance for the smaller minorities to make their needs known and to secure protection for their interests. They seek to arrange a means for the Indian States, great and small, to enter by negotiation into the polity of a united India. They offer to India the prospect of peace—a peace from party strife, the peace so needed for all the constructive work there is to do. And they give you the opportunity of complete independence so soon as the Constituent Assembly has completed its labours.

### **Work To Be Done**

I would like to emphasize the constructive work to be done. If you can agree to accept the proposals in the statement as a reasonable basis on which to work out your constitution, then we are able at once to concentrate all the best efforts and abilities in India on the short-term problems that are so urgent. You know them well—the immediate danger of famine to be countered, and measures taken to provide more food for everyone in future years; the health of India to be remedied; great schemes of wider education to be initiated; roads to be built and improved; and much else to be done to raise the standard of living of the common man.

There are also great schemes in hand to control India's water supplies, to extend irrigation, to provide

power, to prevent floods ; there are factories to be built and new industries to be started ; while in the outside world India has to take her place in international bodies, in which her representatives have already established a considerable reputation.

It is therefore my earnest desire that in these critical times ahead, in the interim period while the new Constitution is being built, the Government of India should be in the hands of the ablest of India's leaders, men recognized as such by the Indian people, whom they will trust to further their interests and bring them to their goal.

### **Government For Interim Period**

As said in the statement, I am charged with the responsibility to form such a Government as soon as possible, to direct the affairs of British India in the Interim period. There will be no doubt in the minds of anyone, I hope, how great a step forward this will be on India's road to self-government. It will be a purely Indian Government except for its head, the Governor-General, and will include, if I can get the men I want, recognized leaders of the main Indian parties, whose influence, ability and desire to serve India are unquestioned.

Such a Government must have a profound influence and power not only in India, but also in the outside world. Some of the best ability in India, which has hitherto been spent in opposition, can be harnessed to constructive work. These men can be the architects of the new India.

No constitution and no form of Government can work satisfactorily without goodwill ; with goodwill and determination to succeed even an apparently illogical arrangement can be made to work. In the complex situation that faces us there are four main parties : the British ; the two main parties in British India, Hindus and Muslims ; and the Indian States. From all of them very considerable change of their present outlook will be required as a contribution to

the general good, if this great experiment is to succeed. To make concession in ideas and principles is a hard thing and not easily palatable. It requires some greatness of mind to recognize the necessity, much greatness of spirit to make the concession. I am sure that this will not be found wanting in India, as I think you will admit that it has not been found wanting in the British people in this offer.

### **Greatest Experiment**

I wonder whether you realize that this is the greatest and most momentous experiment in Government in the whole history of the world—a new Constitution to control the destiny of 400,000,000 people. A grave responsibility indeed on all of us who are privileged to assist in making it.

Lastly, I must emphasize the seriousness of the choice before you. It is the choice between peaceful construction or the disorder of civil strife, between co-operation or disunity, between ordered progress or confusion. I am sure you will not hesitate in your choice for co-operation.

May I end with some words which were quoted by one great man to another at a crisis of the late war, and may well be applied to India at this crisis ?

‘Thou too, sail on, O Ship of State,

Sail on, O Union, strong and great :

Humanity with all its fears

With all the hopes of future years,

Is hanging breathless on thy fate.’

## **C-in-C's Broadcast in Hindustani To Military Forces**

*(March 17, 1946)*

As you have heard from the Viceroy, the British Government have put forward a scheme to enable Indians to make their own constitution and set up an independent Indian Government. As you all know, too, members of the British Government and the Viceroy have for some time past been discussing with the leaders of the Muslim League and of the Congress. They have been trying to decide what kind of Government shall be set up in India. Their object is to make good the promise of the British Government that in future India shall be governed entirely by her own people, free from all control by Britain, and free to remain within the British Commonwealth or to go outside if she likes.

In spite of every attempt to find a form of Government which would be acceptable to the Congress and the Muslim League, no agreement has been reached.

The Muslim League considers that there must be two independent and separate Governments in India, Pakistan for the Muslims and Hindustan for the Hindus. The Congress thinks that India must not be divided and that there should be one Central Government with the provinces controlling their own affairs to the greatest possible extent.

This, very briefly is the position taken up by the two main political parties.

It was hoped that between the two points of view some compromise acceptable to both parties might be found. This has, however, not been found possible although both parties have, for the sake of goodwill, modified their views to a considerable extent.

### **Division Ruled Out**

The British Government, therefore, having failed to get the two principal political parties to agree, has decided that it is their duty to the people of India to lay

down what shall be done in order to give India her independence as soon as possible in an orderly and peaceful manner, so that the mass of the people may be put to the least inconvenience and disturbance.

In making these arrangements, the British Government has tried to ensure justice and freedom for the smaller as well as for the large sections of the people of India.

The British Government realizes that the Muslims have a real fear that they may be forced to live for always under a Hindu Government and that any new form of Government must be such as to make this fear groundless for all time.

With this in view, the possibility of setting up a completely separate and independent Muslim State of Pakistan has been most carefully considered from every point of view and without any partiality at all.

As a result of this examination the British Government has been forced to conclude that the setting up of completely independent States not linked together in any way would not result in a settlement of the differences between Hindu and Muslim.

The setting up of two or more independent Governments would also, in their opinion, result in great loss and danger to India in the future.

They, therefore, cannot agree to divide India into separate States, though they do think that some way must be found for the predominantly Muslim areas to govern themselves if they wish to do so and to live their own lives. This is also recognized by the Hindus and the Congress Party.

The British Government, therefore, have approved neither the setting up of completely separate states, nor the retention of all power at the Centre. They consider that although the different areas should have a large measure of independence if the people desire it, the responsibility for the Army, Navy and Air Force and for the defence of the whole of India in war must rest with one authority for the whole of India.

Apart from this they have accepted the principle that each province or group of provinces may have full powers to manage its own affairs as desired by its own people without interference from the Centre.

These proposals are meant to ensure that all creeds and classes shall have their say in how they are to be governed and also to prevent any one section of the people being forced to live under the rule of any other section, without being sure that they will have the right to live their lives in their own way without fear or persecution.

The details of this new system of Government for India must be worked out by the people of India themselves. It is not the task of the British Government to do this.

To carry on the administration of the country while a new system of Government is worked out, the Viceroy proposes to form an interim Government composed of himself and of leaders of Indian political opinion who have the confidence of the people.

### **Post Of War Member**

In this temporary Government, the post of War Member which is at present held by the Commander-in-Chief (that is myself), will be held by a civilian who will be an Indian. I shall continue to be responsible for the command and welfare of the Army, Navy and Air Force but all political matters will be in the hands of the new War Member under whom I shall serve just as the commanders in Britain serve under civilian ministers.

While this temporary Government carries on the daily business of governing the country, it is proposed that there should be set up three assemblies composed of representatives of all parties and creeds and classes, and elected by the Provincial Legislatures.

It will be the task of these three assemblies together with representatives from the Indian States to decide how India will be governed in the future.

The British Government hopes that in this way peace and security will come to India under the rule of her own leaders and that she will become great and prosperous as she deserves.

While these discussions and meetings are going on it is the duty of the Navy, Army and Air Force to continue to serve the Government and to carry out its orders.

As I have said, this temporary Government will be an Indian Government composed of members chosen from the leaders of the main political parties in the country who have the full confidence of the people.

There is no doubt that today there is danger of strife and disorder in the country. Whether you are in the Army, the Navy or the Air Force, you all know the good that comes from discipline and toleration. You have also learned to live together, Hindu, Muslim, Sikh and Christian, in the service of your country without quarrelling or jealousy.

You have learned each to respect the other and to work side by side for one object—the good of your country.

In this you have set an example to all India.

I trust you, as I have always trusted you, to go on setting this example and to do your duty, as you have always done it in war and peace.

I for my part shall do the same. So long as I am here you may rely on me to safeguard your interest in the future as in the past.



## Simla Conference Correspondence

(April 27—May 12, 1946)

Letter from Lord Pethick Lawrence to Maulana Abul Kalam Azad and Mr. Jinnah, dated April 27, 1946 :

The Cabinet Mission and His Excellency the Viceroy have carefully reviewed the opinions expressed to them by the various representatives they have interviewed and have come to the conclusion that they should make one further attempt to obtain agreement between the Muslim League and the Congress.

They realize that it would be useless to ask the two Parties to meet unless they were able to place before them a basis of negotiation which could lead to such an agreement.

I am, therefore, asked to invite the Muslim League to send four negotiators to meet the Cabinet Mission and the Viceroy together with a similar number from the Congress Working Committee with a view to discussing the possibility of agreement upon a scheme based upon the following fundamental principles :

The future constitutional structure of British India to be as follows :

A Union Government dealing with the following subjects :—

Foreign Affairs, Defence and Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.

It is contemplated that the Indian States will take their appropriate place in this structure on terms to be negotiated with them.

I would point out that we do not think it either necessary or desirable further to elaborate these principles as all other matters could be dealt with in the course of the negotiations.

If the Muslim League and Congress are prepared to enter into negotiations on this basis, you will perhaps be so good as to let me know the names of the four people appointed to negotiate on their behalf. As soon as I receive these I will let you know the locus of the negotiations which will in all probability be in Simla, where the climate will be more temperate.

### CONGRESS VIEW OF FEDERAL UNION

Letter from the President of the Congress to Lord Pethick-Lawrence, dated April 28, 1946 :

I thank you for your letter of April 27. I have consulted my colleagues of the Congress Working Committee in regard to the suggestion made by you, and they desire me to inform you that they have always been willing to discuss fully any matters concerning the future of India with representatives of the Muslim League or any other organization. I must point out, however, that the "fundamental principles" which you mention require amplification and elucidation in order to avoid any misunderstanding.

As you are aware, we have envisaged a Federal Union of autonomous units. Such a Federal Union must of necessity deal with certain essential subjects of which defence and its allied subjects are the most important. It must be organic and must have both an executive and legislative machinery as well as the finance relating to these subjects and the power to raise revenues for these purposes in its own right. Without these functions and powers it would be weak and disjointed and defence and progress in general would suffer. Thus among the common subjects in addition to Foreign Affairs, Defence and Communications, there should be Currency, Customs, Tariffs,

and such other subjects as may be found on closer scrutiny to be intimately allied to them.

Your reference to two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces is not clear. The only predominantly Muslim Provinces are the North-West Frontier Province, Sind and Baluchistan. Bengal and Punjab have a bare Muslim majority. We consider it wrong to form groups of Provinces under the Federal Union and more so on religious or communal basis. It also appears that you leave no choice to a Province in the matter of joining or not joining a group. It is by no means certain that a Province as constituted would like to join any particular group. In any event it would be wholly wrong to compel a Province to function against its own wish. While we agree to the Provinces having full powers in regard to all remaining subjects as well as the residuary powers, we have also stated that it should be open to any Province to exercise its option to have more common subjects with the Federal Union. Any sub-federation within the Federal Union would weaken the Federal Centre and would be otherwise wrong. We do not, therefore, favour any such development.

### **States Must Join Federation**

Regarding the Indian States we should like to make it clear that we consider it essential that they should be parts of the Federal Union in regard to the common subjects mentioned above. The manner of their coming into the Union can be considered fully later.

You have referred to certain "fundamental principles" but there is no mention of the basic issue before us, that is, Indian independence and the consequent withdrawal of the British army from India. It is only on this basis that we can discuss the future of India, or any interim arrangement.

While we are ready to carry on negotiations with any party as to the future of India, we must state our convictions that reality will be absent from any negotiations whilst an outside ruling power still exists in India.

I have asked three of my colleagues of the Congress Working Committee, namely, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan to accompany me in any negotiations that may take place as a result of your suggestion.

## LEAGUE LEADER ASKS FOR CLARIFICATION

Letter from the President of the Muslim League to Lord Pethick-Lawrence, dated April 29, 1946:

I thank you for your letter of April 27, which I placed before my Working Committee yesterday morning.

My colleagues and I fully appreciate the further attempt that the Cabinet Mission and His Excellency the Viceroy are making to bring about an agreement between the Muslim League and the Congress by proposing a meeting of the representatives of the two organizations for the purpose of negotiating an agreement. They, however, desire me to invite your attention to the position taken up by the Muslim League since the passing of the Lahore Resolution in 1940 and, thereafter, successively endorsed by the All-India Muslim League session and again by the Convention of the Muslim League Legislators, as recently as April 9, 1946, as per copy enclosed.

The Working Committee desire to point out that many important matters both of principle and detail in your brief letter, require elucidation and clarification, which, in their opinion, can be achieved at the meeting proposed by you.

Therefore, without prejudice of commitment, the Working Committee, in their anxiety to assist in finding an agreed solution of the Indian constitutional problem, have authorized me to nominate three representatives on behalf of the Muslim League to participate in the negotiations.

The following are the four names: (1) Mr M. A. Jinnah, (2) Nawab Mohammed Ismail Khan, (3) Nawabzada Liaquat Ali Khan and (4) Sardar Abdur Rab Nishtar.

## CONGRESS INVITED TO SIMLA

**Letter from Lord Pethick-Lawrence to the President of the Congress, dated April 29, 1946:**

Thank you for your letter of April 28. The Cabinet Delegation are very glad to know that the Congress agree to enter the joint discussion with representatives of the Muslim League and ourselves.

We have taken note of the views you have expressed on behalf of the Working Committee of the Congress. These appear to deal with matters which can be discussed at the Conference, for we have never contemplated that acceptance by the Congress and the Muslim League of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Congress Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Muslim League in order to discuss it.

Assuming that the Muslim League, whose reply we expect to receive in the course of the afternoon, also accept our invitation, we propose that these discussions should be held at Simla, and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Congress representatives to be in Simla in time to open the discussions on the morning of Thursday, May 2.

## INVITATION TO LEAGUE LEADERS

**Letter from Lord Pethick-Lawrence to the President of the Muslim League, dated April 29, 1946 :**

Thank you for your letter of April 29. The Cabinet Delegation are very glad to know that the Muslim League agree to enter the joint discussion with the representatives of the Congress and ourselves. I am glad to say I have received a letter from the President of the Congress to say that they are also willing to participate in the proposed discussions and have nominated Maulana Azad,

Pandit Nehru, Sardar Vallabhbhai Patel and Khan Abdul Ghaffar Khan as their representatives.

We have taken note of the resolution of the Muslim League to which you draw our attention. We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.

We propose that these discussions should be held at Simla and intend to move there ourselves on Wednesday next. We hope that you will be able to arrange for the Muslim League representatives to be in Simla in time to open the discussions on the morning of Thursday, May 2.

#### AGENDA

(1) Groups of Provinces: (a) Composition; (b) method of deciding Group subjects; and (c) character of Group organization.

(2) Union: (a) Union subjects; (b) character of Union Constitution and (c) finance.

(3) Constitution-making machinery: (a) Composition; and (b) functions (i) in respect of Union, (ii) in respect of Groups, and (iii) in respect of Provinces.

#### INDIAN INDEPENDENCE BASIC ISSUE

Letter from the President of Congress to Lord Pethick-Lawrence, dated May 6, 1946 :

My colleagues and I followed with care the proceedings of the conference yesterday and tried to understand what our conversations were leading up to. I confess to feeling somewhat mystified and disturbed at the vagueness of our talks and some of the assumptions underlying them. While we would like to associate ourselves with every effort to explore ways and means of finding a basis for agreement, we must not deceive our-

selves, the Cabinet Mission or the representatives of the Muslim League into the belief that the way the conference has so far proceeded furnishes hope of success. Our general approach to the questions before us was stated briefly in my letter to you of April 28. We find that this approach has been largely ignored and a contrary method has been followed. We realize that some assumptions have to be made in the early stages as otherwise there can be no progress. But assumptions which ignore or run contrary to fundamental issues are likely to lead to misunderstandings during the later stages.

In my letter of April 28, I stated that the basic issue before us was that of Indian independence and the consequent withdrawal of the British army from India, for there can be no independence so long as there is a foreign army on Indian soil. We stand for the independence of the whole of India now and not in the distant or near future. Other matters are subsidiary to this and can be fully discussed and decided by the Constituent Assembly.

**Indo-British Relations**

At the conference yesterday I referred to this again and we were glad to find that you and your colleagues, as well as the other members of the conference, accepted Indian independence as the basis of our talks. It was stated by you that the Constituent Assembly would finally decide about the nexus or other relationship that might be established between a free India and England. While this is perfectly true, it does not affect the position now and that is the acceptance of Indian independence now.

If that is so, then certain consequences inevitably follow. We felt yesterday that there was no appreciation of these consequences. A Constituent Assembly is not going to decide the question of independence; that question must be and, we take it, has been decided now. That Assembly will represent the will of the free Indian nation and give effect to it. It is not going to be bound by any previous arrangements. It has to be preceded by a Provisional Government which must function, as far as possible, as a government of free India, and which should undertake to make all arrangements for the transitional period.



Pandit Nehru meets Mr Jinnah





## Provincial Grouping

In our discussions yesterday repeated references were made to "groups" of Provinces functioning together, and it was even suggested that such a group would have an executive and legislative machinery. This method of grouping has not so far been discussed by us but still our talks seemed to presume all this. I should like to make it very clear that we are entirely opposed to any executive or legislative machinery for a group of Provinces or units of the Federation. That will mean a sub-federation, if not something more, and we have already told you that we do not accept this. It would result in creating three layers of executive and legislative bodies, an arrangement which will be cumbrous, static and disjointed, leading to continuous friction. We are not aware of any such arrangement in any country.

We are emphatically of opinion that it is not open to the conference to entertain any suggestions for a division of India. If this is to come, it should come through the Constituent Assembly free from any influence of the present governing power.

## No Parity

Another point we wish to make clear is that we do not accept the proposal for parity as between groups in regard to the executive or legislature. We realize that everything possible should be done to remove fears and suspicions from the mind of every group and community. But the way to do this is not by unreal methods which go against the basic principles of democracy on which we hope to build up our constitution.

## CONFERENCE POSTPONED FOR A DAY

**Letters from Lord Pethick-Lawrence to the President of the Muslim League and the Congress, dated May 8, 1946:**

My colleagues and I have been thinking over the best method of laying before the conference what in our judgment seems the most likely basis of agreement as shown by the deliberations so far.

We have come to the conclusion that it will be for the convenience of the parties if we commit this to writing and send them confidential copies before the conference meets again.

We hope to be in a position to let you have this in the course of the morning. But as this will give you too short a time to study it adequately before the proposed resumption of the conference at 3 o'clock this afternoon, I feel sure that you will agree that the meeting be postponed until the same hour (3 o'clock) tomorrow afternoon. Thursday, May 9, and I hope that you will concur in this change of time which, we are convinced, is in the interests of all parties.

**Letter from the Private Secretary to Lord Pethick-Lawrence to the Presidents of the Congress and the Muslim League, dated May 8, 1946 :**

With reference to the Secretary of State's letter to you this morning, the Cabinet Delegation wish me to send to you the enclosed document which is the paper to which the Secretary of State referred. The Delegation propose that this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p. m. if that is agreeable to the Congress-Muslim League delegates.

### **PROPOSALS FOR JOINT DISCUSSION**

*(Enclosure with letter of May 8)*

**Suggested points for agreement between the representatives of the Congress and Muslim League:**

(1) There shall be an All-India Union Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights and having the necessary powers to obtain for itself the finances it requires for these subjects.

(2) All the remaining powers shall vest in the provinces.

(3) Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.

(4) The groups may set up their own executives and legislatures.

(5) The Legislature of the Union shall be composed of equal proportions from the Muslim-majority Provinces and from the Hindu-majority Provinces whether or not these or any of them have formed themselves into groups; together with representatives of the States.

(6) The Government of the Union shall be constituted in the same proportion as the Legislature.

(7) The constitutions of the Union and the groups (if any) shall contain a provision whereby any Province can by a majority vote of its Legislative Assembly call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10-yearly intervals thereafter.

For the purpose of such reconsideration a body shall be constituted on the same basis as the original Constituent Assembly and with the same provisions as to voting and shall have power to amend the constitution in any way decided upon.

(8) The constitution-making machinery to arrive at a constitution on the above basis shall be as follows:

- (a) Representatives shall be elected from each Provincial Assembly in proportion to the strength of the various parties in that assembly on the basis of 1/10th of their numbers.
- (b) Representatives shall be invited from the States on the basis of their population in proportion to the representation from British India.
- (c) The Constituent Assembly so formed shall meet at the earliest date possible in New Delhi.
- (d) After its preliminary meeting at which the general order of business will be settled, it will divide into three sections, one section representing the Hindu-majority Provinces,

one section representing the Muslim-majority Provinces and one representing the States.

- (e) The first two sections will then meet separately to decide the Provincial constitutions for their group and, if they wish, a group constitution.
- (f) When these have been settled it will be open to any Province to decide to opt out of its original group and into the other group or to remain outside any group.
- (g) Thereafter the three bodies will meet together to settle the constitution for the Union on the lines agreed in paragraphs 1—7 above.
- (h) No major point in the Union constitution which affects the communal issue shall be deemed to be passed by the Assembly unless a majority of both the two major communities vote in its favour.
- (g) The Viceroy shall forthwith call together the above constitution-making machinery which shall be governed by the provision stated in paragraph 8 above.

### LEAGUE OBJECTS TO NEW SUGGESTED POINTS

#### **Letter from the President of the Muslim League to Lord Pethick-Lawrence, dated May 8, 1946:**

I have now received the letter of your Private Secretary, dated May 8, 1946, and the enclosed document to which you had referred in your earlier letter of May 8, 1946. It is proposed by you that this "paper" be discussed at the next meeting of the conference to be held on Thursday afternoon at 3 p.m. if this is agreeable to the Muslim League Delegation.

Your proposal embodied in your letter of April 27, 1946, runs as follows:

"A Union Government dealing with the following subjects—Foreign Affairs, Defence and

Communications. There will be two groups of Provinces, the one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all residuary sovereign rights."

This matter was to be discussed at Simla and we agreed to attend the Conference on Sunday, May 5, 1946, on the terms of my letter, dated April 28, 1946.

You were good enough to explain your formula and then after hours of discussion on May 5 and 6, the Congress finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union.

Next, your formula clearly envisaged an agreement precedent between the Congress and the Muslim League with regard to the grouping of Muslim and Hindu Provinces and the formation of two Federations of the grouped provinces and it followed that there must be two constitution-making machineries. It was on that basis that some kind of Union was suggested in your formula confined only to three subjects and our approval was sought in order to put into this skeleton blood and flesh. This proposal was also categorically turned down by the Congress and the meeting had to be adjourned for the Mission to consider the matter further as to what steps they may take in the matter.

And now the new enclosed document has been sent to us with a view that "this paper should be discussed at the next meeting to be held on Thursday afternoon at 3 p.m." The heading of the paper is "Suggested Points for Agreement Between the Representatives of the Congress and the Muslim League." By whom are they suggested, it is not made clear.

### Departure from Formula

We are of the opinion that the new suggested points for agreement are a fundamental departure from the original formula embodied in your letter of April 27, which was rejected by the Congress.

To mention some of the important points we are now asked to agree that there should be one All-India Union Government in terms of paragraphs 1—7 of this paper, which adds one more subject to be vested in the Union Government, i.e., "Fundamental Rights" and it is not made clear whether the Union Government and Legislature will have power or not to obtain for itself the finances by means of taxation.

In the new "suggestions" the question of grouping of Provinces is left exactly as the Congress spokesmen desired in the course of discussions that have taken place hitherto, and is totally different from your original formula.

That there should be a single constitution-making body, we can never agree to; nor can we agree to the method of formation of constitution-making machineries suggested in the paper.

There are many other objectionable features contained in the suggestions which we have not dealt with as we are only dealing with the main points arising out of this paper. In these circumstances, we think, no useful purpose will be served to discuss this paper, as it is a complete departure from your original formula, unless after what we have said above you still desire us to discuss it in the conference itself tomorrow.

### INDIA SECRETARY'S REPLY TO JINNAH

Letter from Lord Pethick-Lawrence to President of the Muslim League, dated May 9, 1946 :

I have to acknowledge your letter of yesterday which I have shown to my colleagues. In it you raise a number of issues to which I propose to reply in order.

(1) You claim that the Congress "finally and definitely turned down the proposed Union confined only to three subjects even with power to levy contribution for financing the Union." This statement is not in accord with my recollection of what took place in the conference room. It is true that the Congress representatives expressed their view that the limitation was too narrow and argued further that even so limited it necessarily included certain ancillary matters. Up to a point you recognized that there was some force in the argument because you agreed, as I understood, that some power to obtain the necessary finance must be given. There was no final decision on this matter (or of course on any other).

(2) Next you claim, if I understand you aright, that our reference to the formation of groups is at variance with the formula in our invitation. I am afraid I cannot accept this view. It is of course a slightly amplified form because it specifies the manner in which the Provinces can decide as to joining any particular group. This amplified form is put forward by us as a reasonable compromise between the views of the Muslim League and those originally expressed by the Congress against grouping at all.

(3) You further take exception to the machinery that we suggest should be set up for making the constitution. I would point out to you, however, that you yourself in explaining how your two constitution-making bodies would work agreed on Tuesday last in the conference that they would have to join together in the end to decide the constitution of the Union and you took no exception to their having a preliminary session in common to decide procedure. What we are proposing is in fact precisely the same thing expressed in different words. I am, therefore, quite at a loss to understand what you have in mind when you use the words "this proposal was also categorically turned down by the Congress."

(4) In your next succeeding paragraph you ask who it is that makes the suggestions that are contained



in the document I sent you. The answer is the Cabinet Mission and His Excellency the Viceroy who make them in our endeavour to bridge the gap between the viewpoints of the Congress and the Muslim League.

(5) You next take exception to our departing from the original formula in my invitation. I would remind you that in accepting my original invitation neither the Muslim League nor the Congress bound itself to accept in full the original formula, and in my reply of April 29, I wrote these words:

“We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it.”

Indeed this is the only sensible attitude because the object of all our discussions is to explore every conceivable possibility of reaching agreement.

(6) “Fundamental Rights” were included by us in our suggestions for addition to the list of Union subjects because it seemed to us that it would be of benefit both to the large communities and to the small minorities for them to be put in and accordingly to be worthy of consideration in our conference. As to finance it will, of course, be quite open to discuss in the conference the precise significance of the inclusion of this word in its context.

(7) Your two following paragraphs are mainly a recapitulation of your previous arguments and have been already dealt with above.

From your last paragraph I understand that though you do not consider in the circumstances that any good purpose would be served by the attendance of the

Muslim League delegation at the conference fixed for this afternoon, you are willing to come if we express a desire that you should do so. My colleagues and I wish to obtain the views of both parties on the document submitted and, therefore, would be glad to see you at the conference.

## CONGRESS OBJECTS TO SUB-FEDERATIONS

**Letter from the President of the Congress to Lord Pethick-Lawrence, dated May 9, 1946 :**

My colleagues and I have given the most careful consideration to the memorandum sent by you yesterday suggesting various points of agreement. On April 28, I sent you a letter in which I explained briefly the Congress viewpoint in regard to certain "fundamental principles" mentioned in your letter of April 27. After the first day of the conference, on May 6, I wrote to you again to avoid any possible misunderstanding regarding the issues being discussed in the conference.

I now find from your memorandum that some of your suggestions are entirely opposed to our views and to the views repeatedly declared by the Congress. We are thus placed in a difficult position. It has been and is our desire to explore every avenue for a settlement and a change-over in India by consent, and for this purpose we are prepared to go far. But there are obvious limits beyond which we cannot go if we are convinced that this would be injurious to the people of India and to India's progress as a free nation.

In my previous letters I have laid stress on the necessity of having a strong and organic Federal Union. I have also stated that we do not approve of sub-federations or grouping of Provinces in the manner suggested, and are wholly opposed to parity in executives or legislatures as between wholly unequal groups. We do not wish to come in the way of Provinces or other units co-operating together, if they so choose, but this must be entirely optional.

## Minority Rights

The proposals you have put forward are meant, we presume, to limit the free discretion of the Constituent Assembly. We do not see how this can be done. We are at present concerned with one important aspect of a larger problem. Any decision on this aspect taken now might well conflict with the decisions we, or the Constituent Assembly, might want to take on other aspects. The only reasonable course appears to us is to have a Constituent Assembly with perfect freedom to draw up its constitution, with certain reservations to protect the rights of minorities. Thus we may agree that any major communal issue must be settled by consent of the parties concerned, or, where such consent is not obtained, by arbitration.

From the proposals you have sent us (8 D.E.F.G.) it would appear that two or three separate constitutions might emerge for separate groups, joined together by a flimsy common super-structure left to the mercy of the three disjointed groups.

There is also compulsion in the early stages for a Province to join a particular group whether it wants to or not. Thus why should the Frontier Province, which is clearly a Congress Province, be compelled to join any group hostile to the Congress?

We realize that in dealing with human beings, as individuals or groups, many considerations have to be borne in mind besides logic and reason. But logic and reason cannot be ignored altogether, and unreason and injustice are dangerous companions at any time and, more especially, when we are building for the future of hundreds of millions of human beings.

## New Suggestions

I shall now deal with some of the points in your memorandum and make some suggestions in regard to them.

No. 1.—We note that you have provided for the Union to have necessary powers to obtain for itself the finance it requires for the subjects it deals with. We

think it should be clearly stated that the Federal Union must have power to raise revenues at its own right. Further that currency and customs must in any event be included in the Union subjects, as well as such other subjects as on closer scrutiny may be found to be intimately allied to them. One other subject is an essential and inevitable Union subject and that is planning. Planning can only be done effectively at the Centre, though the Provinces or units will give effect to it in their respective areas.

The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.

Nos. 5 and 6.—We are entirely opposed to the proposed parity, both in the executive and legislature, as between wholly unequal groups. This is unfair and will lead to trouble. Such a provision contains in itself the seed of conflict and the destruction of free growth. If there is no agreement on this or any similar matter, we are prepared to leave it to arbitration.

No. 7.—We are prepared to accept the suggestion that provision be made for a reconsideration of the constitution after ten years. Indeed the constitution will necessarily provide the machinery for its revision at any time.

The second clause lays down that reconsideration should be done by a body constituted on the same basis as the Constituent Assembly. This present provision is intended to meet an emergency. We expect that the constitution for India will be based on adult suffrage. Ten years hence India is not likely to be satisfied with anything less than adult suffrage to express its mind on all grave issues.

No. 8-A.—We would suggest that the just and proper method of elections, fair to all parties, is the method of proportional representation by single transferable vote. It might be remembered that the present basis of election for the Provincial Assemblies is strongly weighted in favour of the minorities.

The proportion of 1/10th appears to be too small and will limit the numbers of the Constituent Assembly too much. Probably the number would not exceed 200. In the vitally important tasks the Assembly will have to face, it should have larger numbers. We suggest that at least one-fifth of the total membership of the Provincial Assemblies should be elected for the Constituent Assembly.

No. 8-B.—This clause is vague and requires elucidation. But for the present we are not going into further details.

No. 8-D.E.F.G.—I have already referred to these clauses. We think that both the formation of these groups and the procedure suggested are wrong and undesirable. We do not wish to rule out the formation of the groups if the Provinces so desire. But this subject must be left open for decision by the Constituent Assembly. The drafting and settling of the constitution should begin with the Federal Union. This should contain common and uniform provisions for the Provinces and other units. The Provinces may then add to these.

No. 8-H.—In the circumstances existing today we are prepared to accept some such clause. In case of disagreement the matter should be referred to arbitration.

I have pointed out above some of the obvious defects, as we see them, in the proposals contained in your memorandum. If these are remedied, as suggested by us, we might be in a position to recommend their acceptance by the Congress. But as drafted in the memorandum sent to us, I regret that we are unable to accept them.

On the whole, therefore, if the suggestions are intended to have a binding effect, with all the will in the world to have an agreement with the League, we must repudiate most of them. Let us not run into any evil greater than the one all of us three parties should seek to avoid.

If an agreement honourable to both the parties and favourable to the growth of free and united India cannot

be achieved, we would suggest that an Interim Provisional Government responsible to the elected members of the Central Assembly be formed at once and the matters in dispute concerning the Constituent Assembly between the Congress and the League be referred to an independent tribunal.

### **Conference Adjourned**

*After a proposal by Pandit Jawaharlal Nehru that an Umpire should be appointed to settle matters of difference between the parties the Conference, understanding that there was a likelihood of agreement on an umpire between the parties, was adjourned and the following correspondence passed between the parties.*

### **SELECTION OF AN UMPIRE**

**Letter from Pandit Jawaharlal Nehru to the President of the Muslim League, dated May 10, 1946:**

In accordance with our decision yesterday at the conference, my colleagues have given a good deal of thought to the choice of a suitable umpire. We have felt that it would probably be desirable to exclude Englishmen, Hindus, Muslims and Sikhs. The field is thus limited. Nevertheless, we have drawn up a considerable list from which a choice can be made. I presume that you have also, in consultation with your executive, prepared a list of possible umpires. Would you like these two lists to be considered by us, that is, by you and me? If so, we can fix up a meeting for the purpose. After we have met, our recommendations can be considered by the eight of us, that is, the four representatives of the Congress and the four representatives of the Muslim League, and a final choice can be made, which we can place before the Conference when it meets tomorrow.

### **PROPOSAL FOR SECOND MEETING**

**Letter from the President of the Muslim League to Pandit Jawaharlal Nehru, dated May 10, 1946 :**

I received your letter of May 10 at 6 p.m.

At yesterday's meeting between you and me at the Viceregal Lodge we discussed several points besides the

fixing of an umpire. After a short discussion, we came to the conclusion that we will further examine your proposal made by you at the Conference yesterday, with all its implications after your and my consulting our respective colleagues.

I shall be glad to meet you to consider the various aspects of your proposal any time that may suit you tomorrow morning after 10 o'clock.

### NEHRU'S REPLY TO JINNAH

**Letter from Pandit Jawaharlal Nehru to the President of the Muslim League, dated May 11, 1946 :**

Your letter of May 10 reached me at 10 last night.

During the talk we had at Viceregal Lodge you referred to various matters besides the choice of an umpire and I gave you my reactions in regard to them. But I was under the impression that the proposal to have an umpire had been agreed to and our next business was to suggest names. Indeed it was when some such agreement was reached in the conference that we had our talk. My colleagues have proceeded on this basis and prepared a list of suitable names. The conference will expect us to tell them this afternoon the name of the umpire we fix upon, or at any rate to place before them suggestions in this behalf.

The chief implication in having an umpire is to agree to accept his final decision. We agree to this. We suggest that we might start with this and report accordingly to the conference.

As suggested by you, I shall come over to your place of residence at about 10-30 this morning.

**Letter from the President of the Muslim League to Pandit Jawaharlal Nehru, dated May 11, 1946 :**

I am in receipt of your letter of May 11.

During the talk we had at the Viceregal Lodge, which lasted for about 15 or 20 minutes, I pointed out various aspects and implications of your proposal and we had a discussion for a little while, but no agree-

ment was arrived at between you and me on my point except that at your suggestion that you consult your colleagues and I should do likewise we adjourned to meet again the next day to further discuss the matter.

I shall be glad to meet you at 10-30 this morning for a further talk.

**Memorandum by the President of the Muslim League embodying minimum demands by way of an offer, in accordance with the Conference decision, dated May, 12, 1946. (Copies sent to the Cabinet Delegation and the Congress).**

1. The six Muslim Provinces (Punjab, N.-W.F.P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the Constitution-making bodies the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate Constitution-making body for the six Muslim Provinces named above, which will frame Constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the Constitution-making body will be such as would secure proper representation to the various communities in proportion to their population in each Province of the Pakistan Group.

4. After the Constitutions of the Pakistan Federal Government and the Provinces are finally framed by the Constitution-making body, it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.



5. It must be open to discussion in the joint Constitution-making body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution-making bodies but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.

7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed in the joint Constitution-making body, unless the majority of the members of the Constitution-making body of the Hindu Provinces and the majority of the members of the Constitution-making body of Pakistan Group, present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of controversial nature, except by a majority of three-fourths.

9. In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting the different communities will be provided for.

10. The Constitution of the Union shall contain a provision whereby any province can by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution, and will have the liberty to secede from the Union at any time after an initial period of ten years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety and all matters mentioned herein are interdependent.

## CONGRESS PROPOSALS FOR CONSTITUENT ASSEMBLY

Points suggested on behalf of the Congress as a basis for agreement, dated May 12, 1946 :

1. The Constituent Assembly to be formed as follows:—
  - (i) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assembly or others.
  - (ii) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.
2. The Constituent Assembly shall draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning, as well as such other subjects as on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finances it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies.
3. All the remaining powers shall vest in the Provinces or Units.
4. Groups of Provinces may be formed and such groups may determine the Provincial subjects which they desire to take in common.
5. After the Constituent Assembly has decided the constitution for the All-India Federal Union as laid down in paragraph 2 above, the representatives of the Provinces may form groups to decide the Provincial constitutions for their group and, if they wish, a group constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present in Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue, it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution-making, the specific issue shall be referred to arbitration.

8. The constitution should provide machinery for its revision at any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole constitution may be reconsidered after ten years.

### CONGRESS STAND EXPLAINED

Note by the Congress on the principles to be agreed upon as suggested on behalf of the Muslim League, dated May 12, 1946:

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly:

(1) We suggest that the proper procedure is for one Constitution-making body or Constituent Assembly to meet for the whole of India and later for groups to be formed if so desired by the Provinces concerned. The matter should be left to the Provinces and if they wish to function as a group they are at liberty to do so and to frame their own constitution for the purpose.

In any event Assam has obviously no place in the group mentioned, and the North-West Frontier Province, as the elections show, is not in favour of this proposal.

(2) We have agreed to residuary powers, apart from the Central subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a group. What the ultimate nature of such a group may be cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the legislatures. If the population proportion is taken, we have no particular objection, but this would lead to difficulties in all the Provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the Provinces.

(4) There is no necessity for opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

(5) We consider it essential that the Federal Union should have a legislature. We also consider it essential that the Union should have power to raise its own revenue.

(6 and 7) We are entirely opposed to parity of representation as between groups of Provinces in the Union executive or legislature. We think that the provision to the effect that no major communal issue in the Union constitution shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard of all minorities. We have suggested something wider and including all communities than has been proposed elsewhere. This may

give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

(8) This proposal is so sweeping in its nature that no Government or Legislature can function at all. Once we have safeguarded major communal issues other matters, whether controversial or not, require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We therefore entirely disapprove of it.

(9) We are entirely agreeable to the inclusion of Fundamental Rights and safeguards concerning religion, culture and like matters in the constitution. We suggest that the proper place for this is the All-India Federal Union constitution. There should be uniformity in regard to these Fundamental Rights all over India.

(10) The constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full reconsideration at the end of ten years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

## Mission's Memorandum On States' Future Position

(May 22, 1946)

1. Prior to the recent statement of the British Prime Minister in the House of Commons an assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. It was at the same time stated that the Princes' consent to any changes which might emerge as a result of negotiation would not unreasonably be withheld. The Chamber of Princes has since confirmed that the Indian States fully share the general desire in the country for the immediate attainment by India of her full stature. H.M.G. have now declared that if the Succession Government or Governments in British India desire independence, no obstacle would be placed in their way. The effect of these announcements is that all those concerned with the future of India wish her to attain a position of independence within or without the British Commonwealth. The Delegation have come here to assist in resolving the difficulties which stand in the way of India fulfilling this wish.

2. During the interim period, which must elapse before the coming into operation of a new constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstance transfer paramountcy to an Indian Government.

3. In the meanwhile, the Indian States are in a position to play an important part in the formulation of the new constitutional structure for India, and H.M.G. have been informed by the Indian States that they desire, in their own interests and in the interests of India as a whole, both to make their contribution to

the framing of the structure, and to make their due place in it when it is completed. In order to facilitate this they will doubtless strengthen their position by doing everything possible to ensure that their administrations conform to the highest standard. Where adequate standards cannot be achieved within the existing resources of the State they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of States during this formative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions.

### **Economic Arrangements**

4. During the interim period it will be necessary for the States to conduct negotiations with British India in regard to the future regulation of matters of common concern, especially in the economic and financial field. Such negotiations, which will be necessary whether the States desire to participate in the new Indian constitutional structure or not, will occupy a considerable period of time, and since some of these negotiations may well be incomplete when the new structure comes into being, it will, in order to avoid administrative difficulties, be necessary to arrive at an understanding between the States and those likely to control the Succession Government or Governments that for a period of time the then existing arrangements as to these matters of common concern should continue until the new agreements are completed. In this matter, the British Government and the Crown Representative will lend such assistance as they can, should it be so desired.

5. When a new fully self-governing or independent Government or Governments come into being in British India, H.M.G.'s influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate

that British troops would be retained in India for this purpose. Thus, as a logical sequence and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the Paramount Power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the Successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them.

### AN ERROR

An explanatory note issued a few hours after the Memorandum said:

The Cabinet Delegation desire to make it clear that the Memorandum on States' Treaties and Paramountcy was drawn up before the Mission began its discussions with party leaders and represented the substance of what they communicated to the representatives of the States at their first interviews with the Mission. This is the explanation of the use of the words "Succession Government or Governments of British India," an expression which would not of course have been used after the issue of the Delegation's recent statement.

The note at the head of the document was inserted in error.



## PARLIAMENT'S DISCUSSIONS

### Over Proposals

(May 16, 1946)

After the Prime Minister Mr. Clement Attlee had read the White Paper embodying the British Cabinet Delegation's proposals, Mr. Winston Churchill, Leader of the Opposition, rose to speak.

### CHURCHILL'S HISTORICAL

He said: I think the Prime Minister was right to read to the House the able but melancholy document to which we have listened, and that it was appropriate that he should read it instead of merely circulating it. Certainly I have heard nothing for a long time which so deeply deserves the attention of Parliament and the British nation. The respectful attention which the House gave to every word uttered by the Prime Minister is proof that this opinion is well founded.

It would, of course, be most unwise this afternoon for any of us to attempt detailed comment on the long, complicated proposals which have now been laid before us.

The Prime Minister did me the courtesy of sending me a copy last night, but although I read it carefully in the small hours of the morning and I have now had the advantage of hearing it again. I should certainly not commit myself at this juncture to anything but observations of a most general character.

Moreover, these observations, such as they are, arise from the situation in respect of India which we have known for a long time rather than from the new proposals, to which, however, I make a brief reference.

I am bound to make it clear, however, without delay, what is the position of the official Opposition.

As the head of the Coalition Government, I and my colleagues of those days are committed to the offer made to the people of India at the time of the Cripps Mission of 1942, by which we offered Dominion Status as expressed by the Statute of Westminster including the right of secession.

We offered this to the many peoples of India, subject to certain provisions. The first was that there should be a broad and sincere agreement between the main Indian parties, and the second was that in the Constitution we should have provision for honourable discharge of the obligations we have contracted in India towards the minorities, who, added together, are themselves a majority, and also for the discharge of those obligations, embodied with treaties with the Indian States.

These proposals were made at a moment when the danger of Japanese invasion threatened India in a terrible manner. I personally was induced to agree to them by the all-compelling war interest of trying to rally all forces in India to the defence of their soil against Japanese aggression and all the horrors which would have followed therefrom.

The Cripps Mission failed. The answer which Mr. Gandhi gave to the British Government at the time was "Quit India". He and the Congress proceeded to raise or encourage a revolt or a widespread disturbance affecting principally communications on which the British and Indian forces relied for holding the threatened fronts.

These disorders, although seriously fomented, were suppressed with surprising ease and very little loss of life. And the inducement to revolt found no response outside political classes from the great mass of the Indian people. We persevered and presently the tide turned. India was successfully defended and emerged from the second world convulsion in our lifetime, protected against external violence by the armies, sea power and diplomacy at the disposal of the British Empire,

including the valiant contribution of the Indian Forces themselves and the Gurkhas.

Nevertheless we still persisted in our effort which had been rejected in 1942 and the late Secretary of State for India, Mr. Amery, on June 14 last, when Government had ceased to be coalition and was a Conservative Government, used the following words which were quoted by Mr. Eden when the proposal was made to send a Cabinet Mission to India in February.

### **Amery's Words Recalled**

These are the words of Mr. Amery: "The statement makes clear that the offer of March 1942, stands in its entirety. That offer was based in two main principles. The first is that no limit is set to India's freedom to decide for herself her own destiny, whether as a free member and partner in the British Commonwealth of Nations, or even without it. The second principle is that this can only be achieved under a constitution or constitutions framed by India, to which the main elements of India's national life are the consenting parties."

By that statement we were and are bound. Now, however, a new situation has arisen, we are confronted with the fact, reiterated in the Prime Minister's statement, that there is no agreement. The main elements of Indian national life are not at present time consenting parties to quote the words of Mr. Amery.

No one will doubt the sincerity and earnestness with which the Cabinet Ministers and the Viceroy have laboured to bring about a solution of the Indian difficulties and worked for a solution with a zeal which would be natural were it to gain an empire and not to cast it away. But the fact is that they have failed, through no fault of their own, despite all their efforts and devotion and ingenuity, which is a fact which should be an education in Indian matters, not only in this country but throughout the world.

During these negotiations it has been increasingly clear that the object sought for was not Dominion Status and the subsequent consequence of the right of secession, but direct and immediate independence. I am not sure that the results had been realized by the House—it certainly came as a surprise to me.

### Award by the British

The new proposals that we have had seem at first sight to shift the onus of deciding the future constitution of India from Indian parties to the British Government, who have themselves come forward with an elaborate and detailed scheme. In so far as this shifting of onus may prove to be the case it certainly seems to have been an unfortunate step which goes beyond what we understood was the purpose of the Ministers' Mission, the mandate they received, which was defined by the Prime Minister as to set up machinery for Indians to decide their form of Government.

It will, I hope, however, be common ground that we cannot enforce by British arms a British-made constitution upon Indians against the wishes of any of the main elements in Indian life.

There remains the discharge of our obligations to Indian minorities and the States. We must study the documents with long and searching attention in order to see that these duties have been faithfully safeguarded.

*It would seem at first sight that attention should be particularly directed to the position of the Muslim community of nearly 80,000,000, already the most formidable of all races and creeds in the Indian sub-continent, and whose interest and culture are a matter of great consequence to the community as a whole and vital to the peace of India.*

*Secondly, we must examine the provision made for the Depressed Classes, or untouchables as they are called, who number nearly 6,000,000 and for whose status and future repeated assurances have been given and pledges made by*

*many British Governments in ancient and more recent times.*

### **Indian Union & States**

Finally there are relations which the Indian States, which comprise a quarter of the population and one-third of the territory of the Indian sub-continent, are to have with the Crown and with the new Government. At present these relations are defined by solemn treaty, dependent upon the paramountcy of the Crown. Apparently, this is to be abolished. In a sentence which was obscure and could be either one thing or the other, they would be relegated to a kind of no-man's land—this question of paramountcy—and if that is so, it would seem that all foundation for those treaties would be swept away.

All these matters and many others which will occur to members as they study the White Paper will require several weeks of profound and earnest consideration, and it would certainly not in my view be desirable to bring this whole matter to debate in the House with all that a debate in these circumstances may entail—it would not be right to bring it in any precipitate manner.

We do not even know at the present time what are the legislative steps which would be required either for the setting up of an Interim Government or in the event of an agreement being reached. What legislation would be necessary for the creation of a new constitution or abrogation of the King's title of Emperor of India. We know nothing of that. Therefore, I say in the name of the Opposition that a new situation has been created, that we are bound to review it in the light of the existing facts, and that we reserve our entire freedom of action as to the future course we should take."

**Mr. Clement Davies (Leader of the Liberal Party):** This is not a moment to utter any thought which might in any way jeopardize or affect adversely the possibility of a satisfactory settlement being arrived at by all. I

would only like to say that in the history of our relations with India for over 200 years, our history has been honourable, one of which any people and any Government may justifiably be proud. We may have made mistakes, and have had our faults, but never in the whole course of history can any Empire show such a fine record of tolerance, understanding and justice.

This country has not only shed its blood in and on behalf of India. It has given to India some of its finest men—educationalists, leaders, judges, civil servants, engineers and others. We have done our best to teach and be kind and to help them to arrive at the present moment, when as free people they can take over the Government of their own land and take up their proud part in the counsels of the World State.

All I can do now on behalf of myself and my colleagues and of all liberal minded people in the world is to hope that a settlement will soon be reached. The need is urgent and the time is now.

Mr. T. Reid (Labour) who served in the Ceylon Civil Service from 1905 to 1931 : One of the things I am concerned about is that something should be done immediately about the famine and to save the people from starvation. The other thing is to make good all this talk about giving Indians a chance to set up their own government and work out their own destiny, anyhow do you make it good? We had discussion here last week on the withdrawal of troops from Egypt. The highest possible sentiments were expressed, particularly by members on this side. I agreed with their sentiments, but they said : 'It is not enough that we should feel that we are treating people as equals, it is essential that they should feel they are being treated as equals.'

What was the criterion for ensuring that people were being treated as equals? It was to withdraw the forces. The Foreign Secretary laid down what

he called a fundamental principle that no negotiations can be recognized while armies are occupying the countries where negotiations are taking place.

How is it possible for Indians to feel that they are being treated as equals if our armies are there ?

There should have been first a declaration of independence for India with a promise that in given time our troops would be out of India, and then a call on the Congress leaders to set up a government.

**Earl Winterton (Conservative):** What about Muslims ?

**Mr. Gallacher (Communist):** The Congress is a big majority. Let the Congress form a government, and they will bring in the Muslims.

Earl Winterton laughed.

**Mr. Gallacher :** I hope that one of the first things to be done when the Congress does form a government will be the abolition of the States and of the Princes. That is a proposal I would make in connection with this situation in India.

If we are in earnest about giving Indians the right to set up their own government, let us hand the job over to them and come out and let them get ahead. If you do that you will get the real goodwill of the Indian people, and the Indian people will have no hesitation in voluntarily associating themselves with us.

### **White Paper in Lords**

In the House of Lords the White Paper was read by Lord Addison, the Dominion Secretary.

**Viscount Simon (Conservative),** the first speaker in the debate which followed, said :

Twice in the document there is reference to the setting up at once of an interim government. I want

to be quite clear what is involved in that sphere, and I do not think it would embarrass Lord Addison if I asked that question, if by the setting up of an interim government is meant that new men will be chosen to sit in the Viceroy's Council.

That would not be a constitutional change. Or is it intended to make a rather more widespread change? If so, other questions arise. Under the Government of India Act of 1935, the Viceroy has what are called reserve powers and special responsibilities. I would like to be assured that when this document, put forward with the authority of Government, speaks of setting up or creating an interim government, it does not mean that there is to be attempted some modification, either explicit or implicit, in these constitutional provinces.

There is cast upon the Viceroy under the existing constitution the particular duty of protecting the minorities, the duty, if occasion calls for it, of certifying legislation from Indian Legislative bodies, and of overruling, or taking upon himself to decide grave matters which are not being satisfactorily dealt with.

**Viscount Samuel (Liberal):** When Indian parties, after coming close together again, fell apart it would have been easy for the Ministers to have issued a statement affirming certain platitudinous opinions and expressing kindly regrets, and then abandoning their task. That would have been done if it had been true, as so many Indian politicians have said for years, and as has been echoed in the United States, that Britain's purpose was not really to promote full self-government and independence for India, but rather secretly and subtly to foment Indian divisions in order to maintain her own rule. That accusation was wholly untrue.



Lord Addison, replying, said : The answer to Lord Simon's question is, I think, fairly clear. It is more a change of personnel, which we hope will be effected agreeably and satisfactorily, and will inspire confidence. The powers and duties of the Viceroy will remain as before.

Lord Simon : Otherwise it would have meant an Act of Parliament.

Lord Addison : Yes.

## Mr. Jinnah speaks on Mission's Proposals

(May 22, 1946)

I have now before me the statement of the British Cabinet Delegation and the Viceroy dated May 15. Before I deal with it I should like to give a background of the discussions that took place at Simla from May 5 onwards till the conference was declared concluded and its breakdown announced in the official communique dated May 12.

We met in conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India dated April 27 inviting the League representatives.

The formula was as follows :

A Union Government dealing with the following subjects : foreign affairs, defence and communications.

There will be two groups of provinces, the one of the predominantly Hindu provinces and the other of the predominantly Muslim provinces, dealing with all other subjects which the provinces in the respective groups desire to be dealt with in common. The provincial Governments will deal with all other subjects and will have all the residuary sovereign rights.

Left to right: Lord Perthwick-Lawrence, Mr. M. A. Jinnah, Mr. A. V. Alexander and Sir Stafford Cripps.



Photo. No. 1



## Muslim League Demands

The Muslim League position was that :

Firstly, the zones comprising Bengal and Assam in the north-east and the Punjab, the N.-W.F.P., Sind and Baluchistan in the north-west of India constituted Pakistan zones and should be constituted as a sovereign, independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay.

Secondly, that separate constitution-making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions.

Thirdly, that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore resolution.

Fourthly, that the acceptance of the League demand and its implementation without delay were a *sine qua non* for League co-operation and participation in the formation of an Interim Government at the Centre.

Fifthly, it gave a warning to the British Government against any attempt to impose a federal constitution on a united India basis or forcing any interim arrangement at the Centre contrary to the League demand and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of faith of the declaration of His Majesty's Government made in August 1940 with the approval of the British Parliament and subsequent pronouncements by the Secretary of State for India and other responsible British statesmen from time to time reaffirming the August declaration.

## No Commitments

We accepted the invitation to attend the conference without prejudice and without any commitment and without accepting the fundamental principles underlying

this short formula of the Mission on the assurance given by the Secretary of State for India in his letter dated April 29 wherein he said : "We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply as a preliminary condition full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it."

The Congress position in reply to the invitation was stated in their letter of April 28 that a strong Federal Government at the Centre with present provinces as the federating units be established and they laid down that foreign affairs, defence, currency, customs, tariffs "and such other subjects as may be found on closer scrutiny to be intimately allied to them" should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the conference to discuss the formula of the Cabinet Delegation.

### Final Offer to Congress

After days of discussion no appreciable progress was made, and finally I was asked to give our minimum terms in writing. Consequently, we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on May 12 and a copy of it was sent to the Cabinet Delegation at the same time.

(Here Mr. Jinnah enumerates the ten points made out in the memorandum).

The crux of our offer, as will appear from its text, was *inter alia* that the six Muslim provinces should be

grouped together as the Pakistan group and the remaining as the Hindustan group and on the basis of two federations we were willing to consider a Union or confederation strictly confined to three subjects only, i.e., foreign affairs, defence and communications necessary for defence which the two sovereign federations would voluntarily delegate to the confederation. All the remaining subjects and the residue were to remain vested in the two federations and the provinces, respectively.

### Transitional Provision

This was intended to provide for a transitional period as after an initial period of ten years we were free to secede from the Union. But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by the Congress as will appear from their reply to our offer. On the contrary their final suggestions were the same as regards the subjects to be vested with the Centre as they had been before the Congress entered the conference and they made one more drastic suggestion for our acceptance that the Centre "must also have power to take remedial action in cases of breakdown of the constitution and in grave public emergencies." This was stated in their reply dated May 12 which was communicated to us.

At this stage the conference broke down and we were informed that the British Cabinet Delegation would issue their statement which is now before the public.

### Cryptic Statement

To begin with the statement is cryptic with several lacunas and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a

complete sovereign State of Pakistan which we still hold is the only solution of the constitutional problem of India and which alone can secure stable governments and lead to the happiness and welfare not only of the two major communities but of all the peoples of this sub-continent.

It is all the more regrettable that the Mission should have thought fit to advance commonplace and exploded arguments against Pakistan and resorted to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India.

It seems that this was done by the Mission simply to appease and placate the Congress because when they come to face the realities they themselves have made the following pronouncement embodied in paragraph 5 of the statement which says: "This consideration did not however deter us from examining closely and impartially the possibility of a partition of India since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule."

"This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

### **Muslim Apprehensions**

And again in paragraph 12: "This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in paragraph 12 of the statement ?

### **Division Of Pakistan**

(1) They have divided Pakistan into two, what they call Section B (for the north-western zone) and Section C (for the north-eastern zone).

(2) Instead of two constitution-making bodies only one constitution-making body is devised with these Sections A, B and C.

(3) They lay down that "there should be a Union of India embracing both British India and the States which should deal with the following subjects : "foreign affairs, defence and communications and should have the powers necessary to raise the finances required for the above subjects." There is no indication at all that the communications would be restricted to what is necessary for defence nor is there any indication as to how this Union will be empowered to raise the finances required for these three subjects while our view was that finance should be raised only by contribution and not by taxation.

### **Union with Legislature**

(4) It is laid down that "the Union should have an executive and a legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting."

While our view was:

- (a) That there should be no legislature for the Union but the question should be left to the constituent assembly to decide.



- (b) That there should be parity of representation between the Pakistan group and the Hindustan group in the Union executive and legislature if any, and
- (c) That no decision legislative, executive or administrative should be taken by the Union in regard to any matter of a controversial nature except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

### **Safeguarding Clause**

No doubt there is one safeguard for the conduct of business in the Union legislature that "any question raising a major communal issue in the legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting." Even this is vague and ineffective. To begin with who will decide and how as to what is a major communal issue and what is a purely non-communal issue?

(5) Our proposal that the Pakistan group should have a right to secede from the Union after an initial period of ten years, although the Congress had no serious objection to it, has been omitted and now we are only limited to a reconsideration of the terms of the Union constitution after an initial period of ten years.

(6) Coming to the constitution-making machinery here again a representative of British Baluchistan is included in Section B but how he will be elected is not indicated.

### **Hindu Dominance**

(7) With regard to the constitution-making body for the purpose of framing the proposed Union constitution it will have an overwhelming Hindu majority, as in

a House of 292 for British India the Muslim strength will be 79 and if the number allotted to Indian States, 93, is taken into account it is quite obvious that the Muslim proportion will be further reduced as the bulk of the States representatives would be Hindus. This assembly so constituted will elect the chairman and other officers and, it seems, also the members of the advisory committee referred to in paragraph 20 of the statement by a majority and the same rule will apply also to other normal business. But I note that there is only one saving clause which runs as follows:

"In the Union constituent assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall if so requested by a majority of the representatives of either of the major communities consult the Federal Court before giving his decision."

It follows therefore that it will be the chairman alone who will decide. He will not be bound by the opinion of the Federal Court nor need anybody know what that opinion is as the chairman is merely directed to consult the Federal Court.

With regard to the provinces opting out of their group it is left to the new legislature of the province after the first general election under the new constitution to decide instead of a referendum of the people as was suggested by us.

(3) As for paragraph 20 which runs as follows:

"The advisory committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected and their function will be to report to the Union

constituent assembly upon the list of fundamental rights, the clauses for the protection of minorities and a scheme for the administration of the tribal and excluded areas and to advise whether these rights should be incorporated in the provincial group or Union."

This raises a very serious question indeed. For if it is left to the Union constituent assembly to decide these matters by a majority vote whether any of the recommendations of the advisory committee should be incorporated in the Union constitution then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document. I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the pros and cons and a thorough and dispassionate examination of the statement.

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## DELEGATION ANSWERS CONGRESS AND LEAGUE OBJECTIONS

(May 25, 1946)

The Delegation have considered the statement of the President of the Muslim League dated May 22 and the resolution dated May 24 of the Working Committee of the Congress.

The position is that since the Indian leaders, after prolonged discussion, failed to arrive at an arrangement, the Delegation put forward their recommendations as the nearest approach to reconciling the views

of the two main parties. The scheme stands as a whole and can only succeed if it is accepted and worked in a spirit of co-operation.

The Delegation wish also to refer briefly to a few points that have been raised in the statement and resolution.

The authority and the functions of the Constituent Assembly and the procedure which it is intended to follow are clear from the Cabinet Delegation's statement. Once the Constituent Assembly is formed and working on this basis, there is no intention of interfering with its discretion or questioning its labours. His Majesty's Government will recommend to Parliament such action as may be necessary for the cession of sovereignty to the Indian people, subject only to two matters which are mentioned in the statement and which we believe are not controversial, namely, adequate provision for the protection of the minorities (paragraph 20 of the statement) and willingness to conclude a treaty with His Majesty's Government to cover matters arising out of the transfer of power (paragraph 22 of the statement).

It is a consequence of the system of election that a few Europeans can be elected to the Constituent Assembly. Whether the right so given will be exercised is a matter for them to decide.

The representative of Baluchistan will be elected in a joint meeting of the Shahi Jirga and the non-official members of the Quetta Municipality.

In Coorg the whole Legislative Council will have the right to vote, but the official members will receive instructions not to take part in the election.

The interpretation put by the Congress resolution on paragraph 15 of the statement to the effect that the provinces can in the first instance make the choice whether or not to belong to the section in which they

are placed does not accord with the Delegation's intentions. The reasons for the grouping of the provinces are well known and this is an essential feature of the scheme and can only be modified by agreement between the parties. The right to opt out of the groups after the constitution-making has been completed will be exercised by the people themselves, since at the first election under the new provincial constitution this question of opting out will obviously be a major issue and all those entitled to vote under the new franchise will be able to take their share in a truly democratic decision.

The question of how the States representatives should be appointed to the Constituent Assembly is clearly one which must be discussed with the States. It is not a matter for decision by the Delegation.

It is agreed that the Interim Government will have a new basis. That basis is that all portfolios including that of the War Member will be held by Indians; and that the members will be selected in consultation with the Indian political parties. These are very significant changes in the Government of India, and a long step towards independence. H.M.G. will recognize the effect of these changes, will attach the fullest weight to them, and will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of India.

As the Congress statement recognizes, the present consultation must continue during the interim period and the interim Government cannot therefore be made legally responsible to the Central Legislature. There is, however, nothing to prevent the members of the Government individually or by common consent, from resigning, if they fail to pass an important measure through the legislature, or if a vote of no-confidence is passed against them.

and Muslims in regard to major communal issues they have made no such provision for the protection of the rights and interests of the Sikhs in the Union or the provincial sphere. Therefore this Panthic gathering expresses its strong condemnation of the recommendations of the Cabinet Mission and declares that they are wholly unacceptable to the Sikhs. This gathering further affirms that no constitution will be acceptable to the Sikhs which does not meet their just demands and is settled without their consent

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## **Forward Bloc Repeats 'Quit India'**

The Working Committee of the Forward Bloc, which met at Bombay on June 9, has passed a comprehensive resolution on the Cabinet Mission's proposals.

The resolution, after criticising the Cabinet Mission's proposals and pointing out various defects such as presence of British might in the form of British authority, non-transference of real power to the Interim Government which will serve as the convener of the Constituent Assembly, election of the constitution-making body on the basis of limited and communal electorate, states: "The co-operation of the Indian National Congress, the symbol and expression of India's undoubted will to freedom, in this scheme will only jeopardise its national character, undermine its vital fighting strength and further reduce it to a communal body like the Hindu Mahasabha and the Muslim League."

Dealing with states representation in the Constituent Assembly, the resolution states: "The nominees of the states who will comprise one-third of the full strength will be puppets of British imperialism on the Constitution-making Body and will positively stand in the way of the democratic sovereignty of the Constituent Assembly."

The Congress and the nation, the resolution states, must be saved from the death clutches of constitutionalism and reformism leading to the abandonment of the revolution struggle against imperialism. The plea put forward for the acceptance or partial acceptance of the proposals in the present conditions of supposed national weakness betrays a defeatist mentality while, in fact, the country is today more powerful than ever, and international situation demands that we should not agree to anything which is not based entirely on the 'Quit India' demand of the Congress according to which all power must vest in the workers in fields and factories.

. After asking the Congress and the nation to demand:—

- (1) the immediate declaration of Indian independence,
- (2) complete sovereignty of the Constituent Assembly,
- (3) immediate withdrawal of all British troops,
- (4) establishment of Provisional National Government to whom all power must be immediately transferred,
- (5) election of the Constituent Assembly on the basis of universal adult franchise and joint electorate,
- (6) no grouping of provinces and no communal representation whatsoever.

The resolution says: "It should be the duty and privilege of the Constituent Assembly itself to satisfy the minorities and safeguard their interests, political, economic, cultural, linguist and others. There should be no imposition as in the case at present from imperial representatives. It is none of the business of our foreign rulers to interfere in the internal affairs of a country going to be free, as such interference helps to keep the country divided in the interests of imperialism."

"As long as these demands, and conditions are

not fulfilled," the resolution concluded: "It is the task of the Congress and all revolutionaries of the land to reject the proposals and prepare the country for final battle to wrest power from unwilling hands."

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## **Princely India Accepts Proposals**

India's Princely Order accepted the British Cabinet Mission's proposals for future constitutional reforms in India in its meeting held in Bombay on June 10 and decided to negotiate with the Viceroy on issues which require adjustment during the interim period.

On behalf of the Standing Committee of the Chamber of Princes, the Nawab of Bhopal, Chancellor of the Chamber, welcomed the Cabinet Mission's proposals.

The Standing Committee also accepted the Viceroy's invitation to set up a negotiating committee envisaged in the Cabinet Mission's proposals. The committee is likely to begin functioning from the middle of June in Delhi.

It will consist of the Chancellor, the Nawab of Bhopal, the Pro-Chancellor, the Maharaja of Patiala, the Jam Saheb of Nawanagar, Nawab Ali Yar Jung (Hyderabad), Sir Manubhai Mehta (Gwalior), Sir C.P. Ramaswami Aiyer (Travancore), Sir Sultan Ahmed, Adviser to the Chancellor, Sardar D.K. Sen (Cooch Behar), Sardar K.M. Panikkar (Bikaner) and the Dewan of Dungarpur, Mir Maqbool Mahmood, Director of the Chamber will act as secretary to the committee.

## **Questions To Be Clarified**

The negotiating committee will seek clarification on such issues as the method of selecting representatives of the States to the Union Constituent Assembly, and the terms of their participation in it, with particular reference to the continuance of sovereignty and the reigning dynasty, territorial integrity of States; the



right of final ratification of the decisions of the Constituent Assembly; financial relations of the Union with the States and the method of States' contribution to the finances of the Union Centre; size of the Federal unit and the question whether they should group at provincial group or Union level.

It was suggested that any major issue specifically affecting the States should be decided in the Constituent Assembly by a majority of the representatives of the States present and voting.

The negotiating committee will also take up other issues such as the scope of the subjects to be ceded to the Union including defence, internal reforms and the position of States representatives on the Constituent Assembly in regard to the election of the chairman and other officers.

The Standing Committee enjoined upon the Indian States to initiate within the next 12 months internal reforms as outlined by the Chancellor in his declaration at the last session of the Chamber in January last. Sir Conrad Corfield, Political Adviser to the Crown Representative, also addressed the committee. Among those who attended the meeting were the rulers of Gwalior, Patiala, Bikaner, Nawanagar, Alwar, Nabha, Tehri Garhwal, Dungarpur, Baghat and Dewas.

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## **All India States People's Conference**

The General Council of the All India States People's Conference passed the following resolution in its meeting held on June 10:

"The General Council of the All India States People's Conference have considered the various statements made by the British Cabinet Delegation and the Viceroy in regard to the drawing up of a constitution for India. The Council have noted with surprise and regret that the representatives of the States people have been completely ignored by the Cabinet Delegation in their talks

and consultations. No constitution for India can have any validity or effectiveness unless it applies to the 93 million people of the Indian States and no such constitution can be satisfactorily made without reference to the representatives of the people. The General Council, therefore, record their feeling of resentment at the way the people of the States have been ignored and by-passed at this critical juncture of India's history.

### **Responsible Government**

"The Council, nevertheless, have given full consideration to the issues at stake and are prepared even now to offer their co-operation in the building up of a free and united India of which the States are integral and autonomous parts. The policy of the States people was laid down at the last session of the Conference at Udaipur, and the Council adhere to that policy. That policy was based on full responsible government by the people of the States as integral parts of a free and federated India; further that any constitution-making body should have as its members from the States representatives of the people elected on the widest possible franchise. The conference has also stated how the smaller States should be fitted into the future Indian Union.

"The Council welcome the statements made on behalf of the Princes in favour of a united and independent India. A free India must necessarily be a democratic India and, therefore, it is a natural corollary that responsible government should be established in the States. In any constitution for India, there cannot be a combination of democracy and autocracy or feudalism. The Council regret that this has not been sufficiently realized or admitted by the rulers.

### **End Of Paramountcy**

"In the statement issued by the Cabinet Delegation and the Viceroy on May 16, references to the States are brief and vague and no clear picture emerges as to

how they will function in regard to the constitution-making processes. No reference at all is made to the internal structure of the States. It is not possible to conceive of a combination of the existing internal structure, which is autocratic and feudal, with a democratic Constituent Assembly or a Federal Union. The Council welcome, however, the statement that Paramountcy will end when the new All India Constitution comes into effect. The end of Paramountcy necessarily means the end of the treaties existing between the rulers of the States and the British Paramount Power. Even during the interim period the functioning of Paramountcy should undergo a fundamental change so as to prepare for its total termination.

### State Constitutions

"In the scheme suggested by the Cabinet Delegation and the Viceroy a Constituent Assembly is to be formed from representatives from both the Provinces and the States. But the States representatives are supposed to come in only at the final sittings of the full Assembly, when the constitution of the Union Centre is being considered. While the representatives of the Provinces and Groups are charged with the duty of formulating the constitutions of the provinces and, if so desired, of the Groups as well, no parallel arrangement is contemplated which provides likewise for the framing of the constitutions of the States. The Council are of the opinion that this lacuna should be filled. It is desirable for the Constituent Assembly to represent both the Provinces and the States from the earliest stages so that the representatives of the latter may separately sit and lay down the basic provisions of the State constitutions simultaneously with the provincial representatives framing the constitutions of the Provinces.

### States Representatives

"For this purpose the Council are of the opinion that wherever there are well-established legislatures constituted on the basis of direct election, the elected members

of the legislatures should be accepted as the electorates for the election of representatives of the States to the Constituent Assembly. Such a course should, however, be adopted only after free fresh elections have been held in the States concerned. In all other cases the representatives to the Assembly should be elected by the Regional Councils of the All-India States People's Conference. This will insure as nearly as possible the election of true representatives of the people of the smaller States.

"The Council are further of the opinion that in the Negotiating Committee suggested by the Cabinet Delegation there should be representatives of the people of States.

### **Provisional Arrangements**

"In any provisional arrangements that might be made pending the functioning of a new constitution for India as well as the States and the provinces, it is necessary that a unified policy should be pursued between the States, the provinces and the Provisional Government. For this purpose an Advisory Council should be created consisting of representatives of the Provisional Government of the rulers and of the people of the States. This Council should deal with all common matters and should endeavour to co-ordinate different policies in different States so as to insure a certain uniformity. It should be the business of this Advisory Council to expedite internal changes in the States with a view to the introduction of responsible Government. The Advisory Council should also consider the question of the grouping of States to enable them to form adequate units of the Federal Union; as well as the absorption of some States into the provinces. Matters relating to succession in the States, maladministration and the like should be referred to a tribunal for decision.

"At the end of the interim period the States, either singly or as the case may be in groups, should form equal units of the Federal Union with equal rights

with the provinces and with a democratic structure approximating to that prevailing in the provinces.

"The General Council directs and authorizes the Standing Committee to take such steps as may be necessary to give effect to the general principles contained in this resolution."

The resolution was moved by Pandit Jai Narain Vyas. Pandit Jawaharlal Nehru, who presided, and Dr. Pattabhi Sitaramayya explained the resolution to the members of the General Council.

Pandit Jawaharlal Nehru, in his presidential speech at the Council meeting said :

During the last two and a half months a delegation of the British Cabinet has been in India trying to find ways and means to settle the Indian problem. They have, no doubt, worked hard and tried their best, though no one knows yet what the result of their labours will be. But the most astonishing part of this long drawn-out performance has been the absence of the representatives of the States peoples from any of these deliberations. In effect, the 95 million men and women of the States have been ignored and there has been deep feeling on this subject. It is inconceivable that any constitution for India can be made effectively or can be stable unless the feelings of these States peoples are fully taken into account. It is true that the representatives of the National Congress have spoken for the people of the States. We appreciate that and are grateful for it, but we think that the time has come when vicarious representation even of the best is not good enough. The States people claim to speak for themselves and they will see to it that they are heard. No one else, and certainly not their Rulers, can speak for them.

### **British Paramountcy**

Again in the statement issued by the Cabinet Delegation and the Viceroy last month, the States problem is left entirely vague. Perhaps vagueness has sometimes

advantages. It is certainly better than a wrong decision. But it does seem odd that this great problem affecting a quarter of the Indian population should be left in this nebulous state. British paramountcy, we are told, will go when the new constitution functions. What then? Nobody knows exactly. What of the intervening period? Nobody knows. Of course British paramountcy must go not only from the States but from every aspect of life in India and the sooner it goes the better. That paramountcy has been largely exercised in the past for the strengthening of British rule and against the people's movements in the States, but from every aspect of life removal of one of the major burdens of the States people. But what does take its place? Does the autocratic Ruler become even more than at present a law unto himself?

The Rulers, with one exception, do not say so and yet they want to be left in complete freedom to decide for themselves. That is that a group of individuals, however good or bad they may be, with special vested interests and privileges, are to decide by themselves about the future of those vested interests and privileges. It is true the elemental forces that are shaping India's destiny are much too powerful to be controlled or diverted by the Rulers or by any one else. Nevertheless it is odd that it should be argued that the Rulers by themselves should decide the fate of nearly a 100-million people.

I referred above to an exception. That exception is Hyderabad State, that remarkable State which is called the premier State of India, and which also in many ways is the most feudal and backward. Alone among the big States of India it has not yet even evolved any kind of elected or semi-elected Assembly. Alone also it has yet not removed the long-existing ban on the State Congress. This backward State claims independence for itself when the British go. How long this fictitious independence can last is another matter. We remember a statement made by the Nizam about two years ago—that he depended on the British for protection and, therefore, British overlord-

ship should continue. It was a frank admission. Well, it is certain enough now that the British will quit India. What then of this protection and what of independence in the State?

These are fantastic assertions unrelated to facts or reality. That reality is that none of the States can be independent or can go out of a Federal India. If that is so, as it is, then everything that we do now must take us to that end of a Federal Union of India of autonomous units with a democratic structure of Government everywhere responsible to the people.

Many Rulers recognize, however, regretfully that this is inevitable. But they imagine that it will take a considerable time and that there will be many stages, but the march of events in India and the world does not permit of any tarrying during this journey. We have lingered already much too long and those who want to take things leisurely even now will be pushed by events.

### **Responsible Government**

Our objective is responsible Government in the States under the aegis of the Ruler as a constitutional head. That objective continues till it is changed. I wish to make this clear because of recent events in Kashmir. Those events have not changed our objective, though there is a growing feeling for change. Ultimately, of course, it will be for the people of the States to decide about the future of the head of their State. There is much talk about dynastic rights and the like. While we have accepted the continuance of the Ruler as a constitutional head, it must be made perfectly clear that the only ultimate rights we recognize are the rights of the people. Everything else must give way to them. Sovereignty must reside in the people and not in any individual.

The immediate problems before us are : making of an Indian constitution, arrangements for the interim period, and democratization of the States to bring them up to the common level of the rest of India.

It has been one of the fundamental policies of the States people that in the constitution-making body their

elected representatives must take part. They will not submit to their fate being decided by their Rulers or by the Rulers' nominees. We hold by that.

It is clear that when a Federal Union is established each unit will have equal rights. There will be no paramountcy of one part over another. This presumes, of course, equal development and democracy in all the parts. There will be no paramountcy as it exists today, or it may be said that paramountcy for the whole of India will vest in the Federal Union Government.

### **Unified Policy**

During the interim period some kind of "ad hoc" arrangement will have to be made. Whatever this arrangement is going to be the States people should not be left out of it. It is essential that there should be unified policy even during this interim period between the Provisional Government and the States and that in the formation of this policy the States people should have a considerable voice. It is not possible even during this period to continue the present arrangements. Even if to some extent the old form prevails the content of it must undergo a complete change. There has been nothing so reactionary in India as the Political Department. It might be possible to have a joint committee representatives of the Provisional Government and the States, to consider all common problems and to develop a unified policy.

In this committee the principle of the representation of the Indian States must be accepted. How this should be done is a matter for consideration. The object should be to avoid two kinds of deadlocks : a deadlock between the Provisional Government and the States, and a deadlock between the people of the States and their Rulers.

### **Autocracy in States**

The difficulty as it faces us today is largely due to the autocratic character of the States Governments. If there had been democracy there, no difficulty would



have arisen. Therefore for this reason as well as others it is exceedingly important that urgent step should be taken to introduce democratic and responsible Government in the States. As soon as the Government and the people are one most problems vanish. That should be the immediate objective.

In regard to many matters which normally come under paramountcy such as succession, maladministration etc. they may well be referred to a Tribunal or to the Federal Court for decision.

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## **Europeans Decide to keep out**

Desiring to avoid a breakdown of the Cabinet Plan, and agreeing that Indians should decide the future constitution of India, the European Party in the Bengal Legislative Assembly announced on June 15 that they would not nominate any one for election to the Constituent Assembly, and will not vote for a European to sit in the Constituent Assembly. They will agree to use their votes in accordance with any agreement reached between two major parties.

A resolution in the above terms was passed on June 15 by the party.

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## **Hindu Mahasabha's 'Resolution'**

The All India Committee of the Hindu Mahasabha notes that the fundamental principles of the Hindu Mahasabha, namely, the unity and integrity of India, has been accepted only in theory by the Cabinet Mission by their proposal for the formation of one Indian Union and by their rejection of Pakistan. But the Committee regrets that in practice this has been whittled down and the apprehension of the communal domination of the Muslims has been unduly exaggerated, although

the apprehension of the minority in the Muslim majority area has been totally ignored. The Hindus, as such, have no existence in the political scheme of the Mission and have been lumped together with others under the misleading category of "General."

The Mahasabha has opposed Pakistan or the partition of India into two entire sovereign states not on sectional or communal grounds but in the interests of India as a whole. The Central Government as envisaged in the Cabinet Mission proposal will be too weak to pull her full weight in the International world.

The Committee reiterates its demand for the formation of a strong Central Government to check and control the disruptive forces in the Indian body politic and to pool all national resources for effective planning in order to prevent the economic exploitation of the poor masses. World security is linked up with the building up and maintenance of a really free and prosperous India. That object can never be achieved with a truncated centre and a hybrid constitution based on artificial grouping of provinces with residuary powers vested in them. Those provinces will then be in a position to put up tariff walls and to clog the progress of India in the social and economic fields. In order to make effective any large scale economic and administrative planning and to prevent the disintegration of India after the withdrawal of the British power from India, it is essential that the Centre should be strong enough and should be clothed with constitutional authority to deal effectively with customs tariffs, currency, banking and other subjects and should have authority to intervene in cases of emergency minority oppression or inter-provincial deadlock and to co-ordinate All-India resources to fight famine and pestilence.

The Mahasabha cannot accept any constitution which negatives in actual practice, the salutary principle of India's integrity. It stands for an indissoluble Union of provinces which may be reconstituted on cultural and linguistic and not on communal basis. The dominant

idea behind the Cabinet Mission is to appease the Muslim League to the detriment of all other minorities.

The Mahasabha is opposed to a complicated machinery which seeks to set up a three decker constitution and which will place the Hindus of the Punjab, Bengal, Assam, Sind and the N. W. F. Province as well as the entire Sikh community at the mercy of the Pakistanists and which will not provide any acceptable solution of the communal problem. The injustice done to the Hindus and Sikhs in the Punjab, Bengal and Assam is further intensified by reason of the fact that there are vast areas in these provinces which are predominantly non-Muslim.

The Committee demands that the artificial system of grouping and sub-federation should be withdrawn. The constitution should be framed on the recognition of the principle of the sovereignty of the people. There should be one Constituent Assembly which will frame the constitution of provinces. We are opposed to introduction of the principle of regionalism based on communalism and to the grant of residuary powers to the provinces. The Mahasabha is also opposed to the pernicious principle of parity in any shape or form.

The Committee notes that one of the principles for which the Hindu Mahasabha stood, viz., representation on the basis of population strength has been recognised by the Cabinet Mission in the constitution of the Constituent Assembly which is based on the principle of one representative for one million people. But this very principle has been vitiated in allowing the European members of the Bengal and Assam Legislative Assemblies to vote for or stand as candidates for the Constituent Assembly. Thus the Hindu Members of these Assemblies will be deprived of their right to select their own representatives to the Constituent Assembly according to their own choice in proportion to their population.

The Committee demands that the sovereign status of the constitution assembly should be recognised so that Indians may frame a constitution for themselves. The minority must not be allowed to veto the progress of the

majority or to retard the building up of a healthy, self-sufficient and prosperous India.

The Committee records its emphatic opinion that the scheme is inspired by the pro-Muslim League tendencies of the British Government, strengthened by the policy of appeasement pursued by the Congress. The scheme is unacceptable to the Mahasabha unless it is modified in respect of the fundamental defects enumerated in this resolution.

The Committee calls upon the Hindus to realise the danger inherent in these proposals and urges upon them to mobilise public opinion effectively so that these proposals are not implemented, unless suitably modified in order to meet the aspirations of a Free and United Hindustan.

The Committee cannot accept the basis on which the interim government has been constituted by the Viceroy. The principle of parity between caste Hindus and Muslims which formed part of the Wavell Plan in June 1945 has been revived and thrust upon the country. This was condemned by the Mahasabha as anti-democratic and anti-Hindu. Besides, it runs counter to the principle of representation on population strength applied by the Cabinet Mission itself to the composition of the Constituent Assembly.

#### DR. MOOKERJI'S OPENING STATEMENT

In initiating the proceedings of the Working Committee, Dr. S. P. Mookerji, President of the All-India Hindu Mahasabha, made the following statement before the Committee:

The Hindu case as usual is likely to go by default. It is a tragedy of Indian history that in every crisis that faces the nation, the Hindus are really not represented as such. Even in the Constitution-making Body which the Cabinet Mission proposes to set up, the 'Hindu' as such does not exist. There are Muslims; there are Sikhs; and then there are "General", which means all excepting Muslims and Sikhs. In practical politics Hindus as such will not exist and do not exist.

We were somewhat taken aback when we found precipitate declarations and statements made by distinguished leaders who were impressed with the sincerity of the Cabinet Ministers. The time is gone when we shall be satisfied with nominal denunciations on paper of the mischievous principle of Pakistan. We cannot subscribe to any plan or scheme of grouping which is really meant to concede the substance of Pakistan to placate Mr. Jinnah. What does really matter is the concrete proposal and the way you translate into practice the principle of Indian unity and freedom. As the result of his mature deliberations Mahatma Gandhi has now discovered two or three vital defects in the Cabinet scheme. But there are more defects than those referred to by him. We are opposed to the granting of the Residuary powers to Provinces. We are opposed to a weak Centre which the history of India teaches us would mean anarchy and disintegration. This would make difficult, if not impossible, All-India planning for economic and social reconstruction. We are opposed to the Communal Award and we want the obliteration of communal electorates. We do not want that the Constituent Assembly would be based on the pernicious principle of communal representation and by means of communal electorate based on the communal award.

We recognise that the Cabinet scheme is grossly unfair to the Sikhs as well as to the Hindus of Bengal, Assam and the Punjab. But I am not going to influence the Working Committee or the All-India Committee on the vital issues and the members should decide for themselves what should be their verdict on the Cabinet scheme. However, two or three important points have cropped up and which are of immediate urgency and we should speak out our mind in unfaltering terms. We have all along opposed the principle of parity. We were the first to reject the Wavell scheme because it contained the principle of parity between caste Hindus and Muslims. We do maintain that parity is more insidious than Pakistan. The parity which the Viceroy is now reported to be offering is certainly much worse than the parity which was offered by him at the Simla Conference.

Prof. Coupland in his latest book has observed that the Viceroy wanted to invite the Hindu Mahasabha at the Simla Conference but he changed his mind because we adopted an attitude of uncompromising opposition both to parity and to Pakistan. We stand unrepentant. In the context of what has happened I think we adopted the right attitude. Pakistan means the vertical division of India on communal lines. Parity means the spreading of that communal poison horizontally throughout the Indian body politic. We regret that the Bhulabhai-Liaquat Ali pact was based on the principle of Congress-League parity and that it was blessed by Mahatma Gandhi. We must take our stand on principle. I appeal to British statesmen to pause and consider. Would the Labour Government, which has behind it the majority of British votes, accept parity with the Conservatives in the formation of their national government? Now that the war is over and it is the question of the formation of a peacetime government, why should there a question of parity be raised? The British said they fought the war for vindication of democracy and when it is the question of setting up India's government they cannot sacrifice the same principle.

The Hindu Mahasabha has made its point perfectly clear. Veer Savarkar's stand has been "One man one vote and equal citizenship for all." That is the principle on which we frame the constitution of free Hindustan at Bilaspur session. But if for any reason this principle is not accepted, then the Hindus would legitimately demand that they must have representation in the government on the population basis. They can never accept the principle that one Muslim is equal to three Hindus. In framing the Constituent Assembly the Cabinet Mission has accepted and acted on the principle that one member should represent one million. If that is the correct principle for the Constituent Assembly, they should be logical and consistent and they should ask the Viceroy to form the Interim Government also on the same principle.

If what is reported in the Press is correct, the Congress leaders have acted rightly in rejecting parity. There must be no wavering or compromise in that fundamental issue. There must be no parity through the back door. Once you accept the principle of parity in the Central Government, the communalists would demand parity in the army, the navy and in other spheres of administration. If parity is imposed in any shape or form, the Constituent Assembly as well as the future plan of constitution making process will be dominated by the Muslim League, and that would sound the death-knell of Indian freedom.

On behalf of the Hindus of Bengal and Assam, I call upon the Cabinet Ministers to declare forthwith that the Europeans shall have no say or voice in the Constituent Assembly. You give one million Hindus and Muslims the right of selecting one member to the Constituent Assembly and is it right and fair that you should allow ten thousand Europeans to elect half a dozen members to the same body? To give the Europeans the right to vote is to reduce the Hindus to a hopeless minority and to perpetuate the deliberate wrong done to Hindus under the Communal Award. That will mean for the Hindus of Bengal and Assam exchange of one slavery for another slavery very more insidious and more disastrous.

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### ASSAM MEMORANDUM

The following memorandum was submitted on behalf of the Assamese people :

Almost isolated and situated on the easternmost corner of India, Assam resents a problem which concerns a people with a distinct cultural, homogeneity of its own that has successfully withstood through history, several onslaughts from beyond her frontiers. The Mughals, in their campaign of conquest through India, were forced to stop at the gateway of Assam; the Mughals under Ram Singha, who invaded Assam in 1668 suffered the heaviest

of defeats known in Mughal history in the hands of the brave Ahom General Lachit Phookan. That Assam, as a unit preserved and developed her own distinct character through impact with the surrounding hills is a truth of history.

With Pakistan slogans vigorously in the air, the Muslim League leaders, particularly of Bengal and Assam, have launched upon a hooligan campaign of converting Assam into a Muslim majority province, so that the might be included into Bangi-Islamistan or Eastern Pakistan of Jinnah's conception, comprising Bengal and Assam. It is preposterous to think that Assam, where Muslims are never a majority, can be tagged on to Bengal. In spite of the nefarious campaign of the Muslim League Government that administered the province for long through these years of misrule, the Muslim population of Assam has risen only to 33.7 p.c. and barring Sylhet which is predominantly a Bengali-Muslim-majority district the total Muslim population of Assam proper is only 20 p.c. Muslim immigrants from Bengal in the crusading zeal to create Pakistan in Assam, organized and financed by the League have invaded Assam in swarms and in the name of waste-lands, they have swallowed up all lands, even swamps, marshes, river beds and game and grazing reserves. It constitutes a problem by itself—it is Assam's land problem which has nevertheless far-reaching economic implications and is being economically settled by the Assam Congress.

#### **Jinnah The Chameleon**

Mr. Jinnah who changes at the earliest possible opportunity has been multiplying his demands. It is evident, from 'Pakistan and Muslim India,' which bears a foreword from Mr. Jinnah's pen, published in 1942 that at that time he was wise enough not to demand the inclusion of Assam, a non-Muslim province into his Pakistan. "It will not be possible to defend the inclusion of the whole of Assam in the state (Pakistan) on the principle of self-determination." It is also evident from the book which the Qaid-e-Azam prescribed for Gandhiji that the Muslim League author



of this treatise was ready to concede a small corridor in the north to enable Assam to maintain direct contact with Hindu India through Jalpaiguri and Darjeeling in Northern Bengal."

Since then, Mr. Jinnah has changed Assam rich in natural and mineral wealth, predominantly non-Muslim in population, is now to be forced under the Pakistan crescent of Jinnah, so that the Eastern Pakistan of Jinnah may be financially and strategically sound. Gandhi-Jinnah talks on the C. R. Formula foundered on this pointed rock which seeks to establish a claim from the side of Mr. Jinnah to include a definitely non-Muslim majority province like Assam into his dream-land of Pakistan.

### Significance of Grouping

The recent proposals of the British Cabinet Delegates have denounced Pakistan; but the principle of dividing the country into groups like B and C on the two frontiers of India adopted for the purposes of constitution-making contains within it germs of a camouflaged Pakistan which spells disaster for those areas, particularly Assam.

The Cabinet Mission by their recommendations have placed Assam in Group C. The significance of this grouping, and that too compulsorily, is not far to seek. This will be evident from an analysis of the party position in the Constituent Assembly. The party position is as follows :

Province	General	Muslim	Total
Bengal	27	33	60
Assam	7	3	10
	<hr/> 34	<hr/> 36	<hr/> 70

Now, since these delegates will be elected by the present Legislative Assemblies by single transferable vote, the strength of different parts will be as follows (judging from their party position, as existing) :

Province	General	Muslim League	Nationalist Muslim
Bengal	27	32	1
Assam	7	3	—
	<hr/> 34	<hr/> 35	<hr/> 1

\* Thus 35 Muslim League members will be matched by 35 General-cum-Nationalist Muslims. The Muslim League sees in this the possibility of Pakistan and secession by winning over some from the General seats. The rest might delude themselves by thinking that they will frustrate it by similarly winning over from the Muslim Group.

#### Europeans Hold Balance

The Europeans have been given votes for electing the delegates. They are less than 3,000 in Assam and less than a lac in Bengal and therefore do not get a single representative on that basis. But the result of giving the right of vote to existing European members of the that under the guise 'General' they will get representatives in the Constituent Assembly as follows :

Province	General	
	Europeans	Others
Bengal	5	22
Assam	1	6
	<hr/> 6	<hr/> 28

So the General representation hides within itself the six members of the most reactionary and non-nationalist Europeans who will utilize their votes for bargaining for their existence and dominance. Any party who accepts their condition will have to agree to framing the most reactionary Constitutions for the provinces. This will create such a degrading position that in effect, the Constitution of Group C will be dictated by the Europeans.

When this is realized, the tremendous conspiracy hidden in the scheme becomes evident.

### Sad Plight of Assam

Out of the three Muslim representatives at least two will be elected from Bengali Muslim Leaguers of Sylhet whose interest lies with Bengal. Sylhet is already placed with Bengal on linguistic grounds by the Congress. Similarly, two Bengali Hindus will be elected from the Valley. So Assam proper will be represented in the Constituent Assembly by five delegates out of ten.

#### General

Province	Europeans	Bengali	Assamese
Assam	1	Hindu	Hindu
		2	4

#### Muslims

Province	Bengali	Assamese
Assam	Muslims	Muslims
	2	1

Now the Provincial Constitution for Assam will be framed by the Section C consisting of 70 delegates. The five Assamese members will be simply submerged there. In the result, the Constitution for Assam will be dictated by the members of Bengal, or worse still by the Bengali Muslim Leaguers. They in their turn will be dictated to by the Europeans. Thus the Provincial constitution of Assam will be dictated by the European-Bengali-Muslim League alliance.

The plan of the Bengali Muslim League is well known : (1) to convert Assam into a Muslim-majority province by Muslim immigration. (2) to win over the Tribals by giving them separate electorates. So the Hindu representation will be subdivided till Hindus are converted into a minority. Thereafter, the right of opting out will be an illusion for the new Legislative Assembly will be a tool by which the minority Muslim League will rule in alliance with the reactionary elements both Indian and European.

Thus in short, it will mean a sure way to Pakistan.

## Will Assam Be Alone ?

The surest way to frustrate this threat to Assam is :  
(1) to save Assam from being grouped with Bengal ; and  
(2) to see that Assam's constitution is not dictated by the Muslim League of Bengal.

The brave people of Assam have all along played a glorious part in the fights for freedom since 1921. The annals of 1942 in Assam constitute a landmark in the history of revolution. When Assam joined these fights, she had a vision of freedom. Whatever the Mission's proposals may mean to other provinces, they spell slavery to Assam. Will other provinces let her down ?

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## Socialists Favour Rejection

"The Indian people are facing a momentous decision which will finally determine the direction of their political effort in the present and immediate future. The Indian National Congress has shaped and directed this effort for over sixty years ; and it has evolved and established through many struggles the unalterable essentials of real freedom for the people of this land. Whatever decision we are called upon to make must be examined strictly in terms of the fundamentals of our nationalism," said Mrs. Aruna Asaf Ali and Sjšs. Jayaprakash Narayan, Achyut Patwardhan and Dr. Rammanohar Lohia in the following statement to the Press on the British Cabinet Mission's proposals.

### The Fundamentals

The fundamentals of our nationalism are :

1. Abolition of every vestige of foreign domination.
2. The political and economic unity of our people.
3. A growing equality in our political and economic relationships expressed through democratic forms of administration.

4. A common code of Fundamental Rights establishing a uniform and equal status for every citizen in the political, social and economic spheres, overriding religious or regional differences.

### **At The Cross-road**

Should we hold fast to these fundamentals refusing to whittle down our essentials and count no cost too great, ever trusting in the strength of our own people?

Such a decision may lead us once again into conflict with the powers that are, with all that follows in the wake of the conflict.

Or should we in the alternative accept to work along with parties and persons who have heretofore opposed us at every step, in spirit of co-operation and compromise?

The former course may seem to lead us again in the wilderness of bitterness and strife. The latter course would spell the disintegration of the forces of resistance which the Congress has gathered to its bosom.

We are at the cross-road and whatever decisions we take on the British Cabinet's proposals must be determined by the essentials which have sustained us in every crisis during the past.

### **The Essentials**

Complete independence is an otiose expression unless it means the end of British domination direct or indirect. This demands the withdrawal of British troops even before the meeting of the Constituent Assembly as it must possess sovereign status. It is equally necessary to eliminate the British capitalists interest who act either on their own or in alliance with Indian capitalists and who have distorted India's destiny for over a century.

Similarly, the powers exercised by the Viceroy both as the Governor-General and as the Crown Representative must end in the interim period itself, if a free India is to emerge out of our present deliberations. The absence of

primary civil liberties in the States and their violation by the Princes during this period of transition would defeat our very objective. These are some of the necessary first steps without which freedom cannot emerge.

In the second place, we want to found our freedom on national unity and democracy. Any compromises which we are called upon to make must always be subjected to a single test. Do they consolidate our unity?

### **Central Government**

A Central Government cannot establish unity in any State in the world of today by its control over Foreign policy and Defence alone. Foreign policy may be defeated by the lack of cohesiveness and solidarity in relation to Foreign Trade and economic relationships. These along with Planning must be recognised as the irreducible minimum of effective Central authority. It would be futile to create a Central Government that presides over its own ineffectiveness by lack of sufficient authority.

The compulsory grouping of provinces opens the door to the exercise of back-door influences in India's economic life by British monopolist interests, which the central authority would be powerless to resist.

### **Caricature of Democracy**

The substance of independence is shaped by the forces of democracy within the new State. When its foundations are being laid in a totally undemocratic fashion, independence must remain a mirage. We cannot forget that hundreds of Congressmen were still in jail when the present legislatures were created by the electors. The Congress President has himself formulated grave charges about the tampering with the electorate in the Muslim constituencies in more than one province. These legislatures are, therefore, not at all representative of the real forces of Indian nationalism. A Constituent Assembly elected out of them would merely caricature democracy. The only honest course would be to convene a totally fresh Constitution-Making Body elected upon Adult

Franchise and direct election. The lack of such a body would vitiate the democratic character of the parent body itself out of which our freedom is to be born.

The British Government has not approached its self-chosen duty with honesty of purpose or directness of effort. They have thus further encouraged the forces of disruption by refusing to demand from the Princes a clear and uniform charter of civic rights here and now. This single instance would suffice to throw light on their motive. The Labour Government has proved that Socialism 'at home' does not mean liquidation of Imperialism abroad.

### **Reject Proposals**

The proposal of the compulsory grouping denies the autonomy of provinces and thereby removes the key-stone from the constitutional arch. The Interim Government is to be cluttered with parity and veto powers—evils that will inevitably get woven into the fabric of the new state.

Under these circumstances any participation in their plans can only lead to further disruption of our national forces. The Congress must reject these proposals and refuse to elect members to such a Constituent Assembly and move forward to the convening of a Constituent Assembly directly elected by the adult men and women of India.

India will have to wait for many decades if we were to depend upon British co-operation or goodwill for attaining our freedom. It will arise out of our own unaided effort to build up from below, the Peoples' Constituent Authority. Let every village and every mohalla of our towns seek to build up its own parallel authority. Let it strive to assume authority over its own affairs and seek to act as a Sovereign Free State of India.

The Hindustan of our desire, mighty in its freedom, shall have no place for a soldier who is not our national, none for capital which we do not dispose

of as we will and it will grow with the glory of its improving freemen as one and united. Constitutional devices are here of little avail. A new State must be born. To create this State of Free India, the unretreating strength of our people is our sole weapon and the Indian National Congress its edge and point. So onwards to this final spurt of creative action of work and organisation, that will steel up our people and their Congress into a force irresistible like the elements."

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## Europeans Decide To Keep Out

Desiring to avoid a breakdown of the Cabinet Plan, and agreeing that Indians should decide the future constitution of India, the European Party in the Bengal Legislative Assembly announced the other day that they would not nominate any for election to the Constituent Assembly, and will not vote for a European to sit in the Constituent Assembly. They will agree to use their agreement reached between two major parties.

A resolution in the above terms was passed on June 16 by the party.



## British Cabinet's Plan For Interim Government

The following statement was issued by the Cabinet Delegation and the Viceroy on June 16 at 4 p.m. :

1. His Excellency the Viceroy, in consultation with the members of the Cabinet Mission, has for some time been exploring the possibilities of forming a coalition Government drawn from the two major parties and certain of the minorities. The discussions have revealed the difficulties which exist for the two major parties in arriving at any agreed basis for the formation of such a Government.

2. The Viceroy and the Cabinet Mission appreciate these difficulties and the efforts which the two parties have made to meet them. They consider however that no useful purpose can be served by further prolonging these discussions. It is indeed urgently necessary that a strong and representative Interim Government should be set up to conduct the very heavy and important business that has to be carried through.

3. The Viceroy is therefore issuing invitation to the following to serve as members of the Interim Government on the basis that the constitution-making will proceed in accordance with the Statement of May 16:—

Sardar Baldev Singh, Sir N. P. Engineer, Mr. Jagjivan Ram, Pandit Jawaharlal Nehru, M. A. Jinnah, Nawabzada Liaqat Ali Khan, Mr. H.K. Mahtab, Dr. John Matthai, Nawab Mohammed Ismail Khan, Khwaja Sir Nazimuddin, Sardar Abdur Rab Nishtar, Mr C. Rajagopalachari, Dr. Rajendra Prasad and Sardar Vallabhbhai Patel.

If any of those invited is unable for personal reasons to accept, the Viceroy will, after consultation, invite some other person in his place.

4. The Viceroy will arrange the distribution of portfolios in consultation with the leaders of the two major parties.

5. The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available coalition Government.

6. The Viceroy and the Cabinet Mission believe that Indians of all communities desire to arrive at a speedy settlement of this matter so that the process of constitution making can go forward and that the Government of India may be carried on as efficiently as possible in the meantime.

7. They therefore hope that all parties especially the two major parties will accept this proposal so as to overcome the present obstacles, and will co-operate for the successful carrying on of the Interim Government. Should this proposal be accepted the Viceroy will aim at inaugurating the new Government about the 26th June.

8. In the event of the two major parties or either of them proving unwilling to join in the setting up of a coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the Statement of May 16th.

9. The Viceroy is also directing the Governors of the Provinces to summon the Provincial Legislative Assemblies forthwith to proceed with the elections necessary for the setting up of the constitution-making machinery as put forward in the Statement of May 16th.

The following letter was sent to the Presidents of the Indian National Congress and the All-India Muslim League by the Viceroy today.

As the Statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partnership between the two major parties and

representatives of the minorities. We have therefore done our best to arrive at a practicable arrangement taking into consideration the various conflicting claims, and the need for obtaining a Government of capable and representative administrators. We hope that the parties will now take their share in the administration of the country on the basis set out in our new Statement. We are sure we can rely on you and your Working Committee to look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

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## Congress President's Letter of June 26 To The Viceroy

Ever since the receipt of your statement of June 16 my Committee have been considering it from day-to-day and have given long and anxious thought to your proposals and to the invitations you have issued to individuals to form the Provisional National Government. Because of our desire to find some way out of the present most unsatisfactory situation, we have tried our utmost to appreciate your approach and viewpoint. In the course of our conversations we have already pointed out to you our difficulties. Unfortunately these difficulties have been increased by the recent correspondence.

The Congress as you are aware is a national organization including in its fold the members of all Religions and communities in India. For more than half a century it has laboured for the freedom of India and for equal rights for all Indians. The link that has brought all these various groups and communities together with in the fold of the Congress is the passionate desire for national independence, economic advance and social equality. It is from this point of view that we have to judge every proposal. We hoped that a Provisional National Government would be formed which would give effect in practice to this Independence. Appreciating some of your difficulties, we did not press for any statutory change introducing Independence immediately but we did expect a *de facto* change in the character of the Government making for independence in action. The status and powers of the Provisional Government were thus important. In our view this was going to be something entirely different from the Viceroy's Executive Council. It was to represent a new outlook, new methods of work and new psychological approach by India to both domestic and external problems. Your letter dated May 30, 1946, gave us certain assurances about the status and powers of the Provisional Government. These did not go far enough according to our thinking but

we appreciated the friendly tone of that letter and decided to accept the assurances and not to press this particular matter any further.

### **Parity Untenable**

The important question of the composition of the Provisional Government remained. In this connection, we emphasized that we could not accept anything in the nature of parity even as a temporary expedient and pointed out that the Provisional Government should consist of fifteen members to enable the administration of the country to be carried on efficiently and the smaller minorities to be represented in it. Some mention of names was made and on our part suggestions were put before you informally, including the name of a non-League Muslim.

In your statement of June 16 some of the names suggested came as a surprise to us. Several changes had been made from the provisional list prepared by the Congress. The manner of preparing your list and presenting it as an accomplished fact seemed to us to indicate a wrong approach to the problem. One of the names included had not been previously mentioned at all and was that of a person holding an official position and not known to be associated with any public activity. We have no personal objection to him, but we think that the inclusion of such a name particularly without any previous reference or consultation, was undesirable and indicated a wrong approach to the problem.

Then again a name from our list was excluded and in his place another of our colleague was put in but as you have said that this can be rectified, I need not say more about.

### **Extraordinary Decision**

One outstanding feature of this list was the non-inclusion of any Nationalist Muslim. We felt that this was a grave omission. We wanted to suggest the name of a Muslim to take the place of one of the Congress names on the list. We felt that no one could possibly object to our changing the name of one of our own men. Indeed,

when I had drawn your attention to the fact that among the Muslim League nominees was included the name of a person, who had actually lost in the recent elections in Frontier Province and whose name we felt had been placed there for political reasons, you wrote to me as follows: 'I am afraid that I cannot accept the right of the Congress to object to names put forward by the Muslim League, any more than I would accept similar objections from the other side. The test must be that of ability.' But before we could make our suggestions, I received your letter of June 22 which surprised us greatly. You had written this letter on the basis of some Press reports. You told us that the Cabinet Mission and you were not prepared to accept a request for the inclusion of a Muslim chosen by the Congress among the representatives of the Congress in the Interim Government.

This seemed to us an extraordinary decision. It was in direct opposition to your own statement quoted above. It meant that the Congress could not freely choose even its own nominees. The fact that this was not to be taken as a precedent made hardly any difference. Even a temporary departure from such a vital principle could not be accepted by us at any time or place and in any circumstances.

### Minority Representation

In your letter of June 21, you gave certain questions framed by Mr. Jinnah in his letter dated June 19 and your replies to them. We have not seen Mr. Jinnah's letter. In Question 3 reference is made to 'representation of the four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsees,' and it is asked as to 'who will fill in vacancies caused in these groups, and whether in filling up the vacancies the leader of the Muslim League will be consulted and his consent obtained.'

In your answer you say: 'If any vacancy occurs among the seats at present allotted to representatives of the minorities, I shall naturally consult both the main parties before filling it.' Mr. Jinnah has thus included

the Scheduled Castes among the minorities and presumably you have agreed with this view. So far as we are concerned we repudiate this view and consider the Scheduled Castes as integral parts of Hindu society. You also, in your letter of June 15, treated the Scheduled Castes as Hindus.

You pointed out that in your proposal there was no "parity" either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress, as against five Muslims belonging to the League. One of the six Hindus belonged to the Scheduled Castes. We are in any case not agreeable to the leader of a party, which claims to represent a community which is a minority, interfering with the selection of names either the Scheduled Castes, whose representation you counted as falling within the Congress quota, or with the selection of representatives of the minorities mentioned.

#### **Veto Power For The League**

In question 4, the Scheduled Castes are again referred to as a minority and it is asked whether the proportion of members of the Government community-wise as provided in the proposals will be maintained. Your answer is that the proportion will not be changed without agreement of the two major parties. Here again one communal group functioning admittedly as such is given a power to veto changes in other groups with which it has no concern.

We may desire, if opportunity offers itself, to increase the representation of the Scheduled Castes, or to give representation, when it is possible to another minority, for example, the Anglo-Indian. All this would depend on the consent of the Muslim League. We cannot agree to this. We may add that your answers restrict the Congress representation to Caste Hindus and make it equal to that of the League.

Finally, you state in answer to Question 5 that "no decision of a major communal issue could be taken by the Interim Government if the majority of either of the

main parties were opposed to it. You further say that you had pointed this out to the Congress President and he had agreed that the Congress appreciated this point. In this connection I desire to point out that we had accepted this principle for the long-term arrangement in the Union Legislature and it could possibly be applied to the provisional Government if it was responsible to the Legislature and was composed of representatives on the population basis of major communities. It could not be applied to the provisional Government formed on a different basis altogether. It was pointed out by us in my letter of the June 13 that it could make administration impossible and deadlocks a certainty.

Even in the question as framed by Mr. Jinnah it is stated that "in view of the substitution of 14 now proposed for the original 12" no major communal issues should be decided if the majority of the Muslim members are opposed to it. Thus this question arose after the substitution of 14 for 12, after your statement of June 16. In this statement no mention was made of this rule. This very important change has been introduced, almost casually and certainly without our consent. This again gives the power of veto or obstruction to the Muslim League in the Provisional Government.

We have stated above our objections to your proposals of June 16 as well as to your answers to the questions framed by Mr. Jinnah. These defects are grave and would render the working of the provisional Government difficult and deadlocks a certainty. In the circumstances your proposals cannot fulfil the immediate requirements of the situation or further the cause we hold dear.

### **Interim Proposals Rejected**

My Committee have, therefore, reluctantly come to the conclusion that they are unable to assist you in forming a provisional Government as proposed in your statement of June 16.

With regard to the proposals made in the statement May 86, relating to the formation and functioning of



the Constitution-making body, the Working Committee of the Congress passed a resolution on May 24 and conversations and correspondence have taken place between your Excellency and the Cabinet Mission on the one side and myself and some of my colleagues on the other. In these we have pointed out what in our opinion were the defects in the proposals. We also gave our interpretation some of the provisions of the statement. While adhering to our views, we accept your proposals and are prepared to work them with a view to achieve our objective. We would add, however, that the successful working of the Constituent Assembly will largely depend on the formation of a satisfactory Provisional Government.

## Working Committee's Resolution

The following is the full text of the resolution passed by the Congress Working Committee on Cabinet Mission's proposals:

On May 24, the Working Committee passed a resolution on the statement dated May 16 issued by the British Cabinet Delegation and the Viceroy. In this resolution they pointed out some defects in the statement and gave their own interpretation of certain parts of it.

Since then the Committee have been continuously engaged in giving earnest consideration to the proposals made on behalf of the British Government in the statements of May 16 and June 16 and have considered the correspondence in regard to them between the Congress President and the members of the Cabinet Delegation and the Viceroy.

The Committee have examined both these sets of proposals from the point of view of the *Congress objective of immediate Independence* and the opening out of the avenues leading to the rapid advance of the masses, economically and socially, so that their material standards may be raised and poverty, malnutrition, famine and the lack of the necessities of life may be ended, and all the people of the country may have the freedom and opportunity to grow and develop according to their genius. These proposals fall short of these objectives. Yet the Committee considered them earnestly in all their aspects because of their desire to find some way for the peaceful settlement of India's problem and the ending of the conflict between India and England.

The kind of independence Congress has aimed at is the establishment of a united, democratic Indian federation, with a Central authority,

which would command respect from the nations of the world, maximum provincial autonomy, and equal rights for all men and women in the country. The limitation of the Central authority as contained in the proposals, as well as the system of grouping of provinces, weakened the whole structure and was unfair to some provinces such as the N.W.F. Province and Assam, and to some of the minorities, notably the Sikhs. The Committee disapproved of this. They felt however, that, taking the proposals as a whole, there was sufficient scope for enlarging and strengthening the Central authority and for fully ensuring the right of a province to act according to its choice in regard to grouping, and to give protection to such minorities as might otherwise be placed at a disadvantage. Certain other objections were also raised on their behalf, notably the possibility of non-nationals taking any part in the constitution-making. It is clear that it would be a breach of both the letter and spirit of the statement of May 16 if any non-Indian participated in voting or standing for election to the Constituent Assembly.

In the proposals for an Interim Government contained in the statement of June 16 the defects related to matters of vital concern to the Congress. Some of these have been pointed out in the letter dated June 25 of the Congress President to the Viceroy. The Provisional Government must have power and authority and responsibility and should function in fact, if not in law, as a *de facto* independent Government leading to the full independence to come. The members of such a government can only hold themselves responsible to the people and not to any external authority. In the formation of a

provisional or other Government Congressmen can never give up the national character of the Congress, or accept an artificial and unjust parity, or agree to the veto of a communal group. The Committee are unable to accept the proposals for the formation of an Interim Government as contained in the statement of June 16.

The Committee have, however, decided that the Congress should join the proposed Constituent Assembly, with a view to framing the constitution of free, united and democratic India.

While the Committee have agreed to Congress participation in the Constituent Assembly, it is in their opinion essential that a representative and responsible provisional National Government be formed at the earliest possible date. A continuation of authoritarian and unrepresentative Government can only add to the suffering of famishing masses and increased discontent. It will also put in jeopardy the work of the Constituent Assembly, which can only function in a free environment.

The Working Committee recommend accordingly to the All-India Congress Committee, and for the purpose of considering and ratifying this recommendation they convene an emergent meeting of the A-I-C-C in Bombay on July 6 and 7.

### **Statement by Mission and Viceroy**

The following is the text of the statement issued on the Wednesday night by the Cabinet Delegation and the Viceroy.

The cabinet Mission and the Viceroy are glad that constitution-making can now proceed with the consent of the two major parties and of the States. They welcome the statement made to them by the leaders of the Congress and the Muslim League that it is

their intention to try and work in the Constituent Assembly so as to make it a speedy and effective means of devising the new constitutional arrangements under which India can achieve her independence. They are sure that the members of the Constituent Assembly who are about to be elected will work in this spirit.

The Cabinet Mission and the Viceroy regret that it has not so far proved possible to form an interim coalition Government, but they are determined that the effort should be renewed in accordance with the terms of paragraph 8 of their statement of June 16. Owing, however, to the very heavy burden which has been cast upon the Viceroy and representatives of the parties during the last three months, it is proposed that the further negotiations should be adjourned for a short interval during the time while the elections for the Constituent Assembly will be taking place. It is hoped that when the discussions are resumed, the leaders of the two major parties, who have all expressed their agreement with the Viceroy and the Cabinet Mission on the need for the speedy formation of a representative interim Government, will do their best to arrive at an accommodation upon the composition of that Government.

As the Government of India must be carried on until a new interim Government can be formed, it is the intention of the Viceroy to set up a temporary caretaker Government of officials.

It is not possible for the Cabinet Mission to remain longer in India as they must return to report to the British Cabinet and Parliament and also to resume their work from which they have been absent for over three months. They, therefore, propose to leave India on June 29. In leaving India the members of the Cabinet Mission express their cordial thanks for all the courtesy and consideration which they have received as guests in the country and they most sincerely trust that the steps which have been initiated will lead to a speedy realization of the hopes and wishes of the Indian people.

## Congress President's Survey of 3-Month Negotiations

"In our prolonged negotiations with the Cabinet Delegation and the Viceroy my colleagues and I have throughout been guided by one governing principle. It was the achievement of Indian independence and the solution of all outstanding problems by methods of peaceful negotiations."

He says: "Such methods have both their advantages and their limitations. Independence achieved through violence and conflict may be more spectacular but entails endless suffering and bloodshed and leaves behind a heritage of bitterness and hatred. Peaceful methods have no bitter trail but neither are the results so spectacular as in a violent revolution.

"The present negotiations have therefore to be judged from this standard. Keeping in mind the method chosen and the peculiar nature of our problems, dispassionate observers will be forced to admit that though all our hopes have not been fulfilled, the results mark a decisive step forward towards the attainment of our goal. After searching discussion and analysis, this was the conclusion reached by the Congress Working Committee, and they have accordingly accepted the long-term proposals.

### Two Fundamental Bases

"As I have explained in my statement of April 14, 1946, the Congress scheme for the solution of India's political and constitutional problem rested upon two fundamental bases. The Congress held that in the peculiar circumstances of India, a limited but organic and powerful centre confined in certain basic subjects was inevitable. A unitary government could no more meet the requirements of the case than a division of India into several independent States.

The second fundamental principle was the recognition of the complete autonomy of the provinces with all

residuary powers vested in them. The Congress held that the provinces would administer all excepting the basic central subjects. From the nature of the case, it would be open to the provinces to delegate to the centre such other subjects as they chose. It is an open secret that the Cabinet Mission's long-term proposals are framed according to the principles laid down in the Congress scheme.

"A question about the implication of provincial autonomy was raised during the recent Simla conference. It was asked that if the provinces were fully autonomous, did not two or more of them have the right, if they chose, of setting up inter-provincial machinery for administering such subjects as are allocated to it? The declared views of the Congress on the question of provincial autonomy did not permit a denial of the force in the contention. My correspondence during the Simla conference has already been released and given to the public a clear exposition of the Congress views on the question.

"The only novel feature in the Cabinet Mission's scheme is the idea of grouping the provinces into three different sections. As soon as the Constituent Assembly meets, it will according to the proposals of the Cabinet Mission, divide itself into three committees. Each committee will be composed of members from provinces in the appropriate section and will together decide whether to form a group or not.

"Section 15 of the Cabinet proposals have clearly recognized the rights of provinces to form groups or not. The Cabinet Mission intend that the provinces should exercise this right at a particular stage. The Congress Working Committee hold that whatever the intention of the Cabinet Mission, the statement of May 16 does not bear such interpretation. They hold that the provinces are fully autonomous and have the right to decide the question at any stage they like. Section 15 and the general spirit of the proposals support the Congress interpretation. The provinces have the right to decide

either at the very beginning before the group constitution has been framed at all or at the end after they have examined the group constitution as it has emerged from the committee of the Constituent Assembly. I am convinced that the Congress interpretation cannot be challenged. If a province decides to remain outside the group from the very beginning it cannot be compelled to come in.

"There is the problem of Europeans in Assam and Bengal. The Cabinet Mission's proposals have done away with weightage in representation and have clearly laid down that there is to be one representative for every million of the population. This automatically rules the Europeans out of the picture. Once the weightage is discarded, they have no right to any representation at all on the basis of population. It is in the interests of the Europeans themselves to refrain from seeking election or participating in the voting. I am confident that the Europeans in Bengal and Assam will act with wisdom and statesmanship. Since the Europeans in Bengal have already decided to refrain from participating in the elections to the Constituent Assembly, I trust that the Europeans in Assam will follow their example.

### Grave Flaw

"It must, however, be admitted that one grave flaw in this picture is the delay in the formation of a Provisional National Government. Such Provisional Government alone can provide the atmosphere in which the Constituent Assembly can function with a sense of full freedom and authority. Their mutual interactions are so intimate that each would suffer in the absence of the other. I earnestly hope that this lacuna in the settlement will be filled and a representative and powerful Provisional Government soon set up.

"In assessing the results of the negotiations we must not forget that the two main objectives of the Congress have been the freedom and the unity of India. The Congress stand has been vindicated on both these points. The Constitution-making body will be a purely Indian



assembly elected by Indian votes alone. It will have the unfettered right to shape Indian's future constitution and decide our relations with the British Commonwealth and the rest of the world. And this sovereign Constituent Assembly will legislate not for a divided but for a united India. All schemes of partition of India have been rejected once and for all. The Union Centre may be limited, but it will be powerful and organic and will integrate into one harmonious whole the many provincial, linguistic and cultural diversities which characterize contemporary India."

### **Jinnah's Statement**

I have considered the letter of the Congress President addressed to Lord Wavell dated June 25, the resolution of the Working Committee of the Congress released to the Press yesterday, and the statement of the Cabinet Delegation and the Viceroy issued in New Delhi on June 26, but a copy of which has not yet been furnished to me.

Prior to the Cabinet Delegation's statement of May 16 and further statement of May 25, the Viceroy at Simla represented to me that he would proceed with the formation of an Interim Government on the basis of the formula, 5: 5: 2, i.e., five on behalf of the Muslim League, five on behalf of the Congress, one Sikh and one Indian Christian or Anglo-Indian and that, as regards the portfolios, the most important of them would be equally divided between the Congress and the Muslim League, further details being left open for discussion.

#### **Original Formula**

With the permission of the Viceroy I was authorized to state this formula to the Working Committee at Simla on the assumption that the long-term proposals would be such as would be acceptable to us. Thereafter, again, on the eve of the meeting of the Working Committee of the Muslim League, in my interview on June 3, the Viceroy repeated the same formula and authorized me to communicate it to my Working Committee.

This was one of the most important considerations which weighed with them together with the two statements of the Cabinet Delegation dated May 16 and May 25. The long-term plan and the Interim Government formula together formed one whole and this formula regarding the Interim Government was an integral part of the whole scheme and as such the Council of the All-India Muslim League gave its final decision on that basis on June 6.

Thereafter, the Viceroy sent for me on June 13 and he suggested a formula of 5: 5: 3. Owing to the agitation set on foot by the Congress Press and the opposition of the Congress to the original formula, I had already given a warning to the Viceroy in a letter on June 8 that any departure from this formula, directly or indirectly, would lead to serious consequences and would not secure the co-operation of the Muslim League, and that I might have to call a meeting of the Council of the All-India Muslim League again.

### Revised Party Position

At my interview with the Viceroy on June 13 I was told by him that he wanted to change the basis of the original formula and proceed on the basis of five Congress, five Muslim League and three others, i.e., one Sikh, one Scheduled Caste and one Indian Christian or Anglo-Indian. In spite of the difficulties that I had pointed out would arise, I informed the Viceroy that if the Congress were finally to agree to this new formula I would place it before my Working Committee for their consideration. But even this second proposal of the Viceroy was turned down by the Congress and His Excellency the Viceroy informed me by his letter dated June 15 that he had failed to negotiate an agreement on the basis which he had suggested and that the Cabinet Delegation and he had decided to issue their statement on June 16 on the action they proposed to take.

Accordingly, the statement of June 16 was issued to the Press and an advance copy was sent to me. These were, we were categorically informed, final and not

open to any modification, except that the names in the statement could not be regarded as final until the Viceroy had received acceptances from those invited to take office in the Interim Government

On June 19 I wrote to the Viceroy seeking certain clarifications regarding the statement of June 16 to which a reply was received from him on June 20 after he had consulted the Cabinet Delegation. The following extracts are from that letter of the Viceroy in reply to questions put to him :

(1) 'Until I have received the acceptance of those invited to take office in the Interim Government, the names in the statement cannot be regarded as final. No change is proposed to be made in the statement without the consent of the two major parties

(2) 'No change in the number of 14 members of the Interim Government will be made without agreement of the two major parties

(3) 'If any vacancy occurs among the seats at present allotted to the representatives of the minorities, I shall naturally consult both the main parties for filling it

(4) (a and b) 'The proportion of the members by communities will not be changed without agreement of the two major parties

(5) 'No decision on a major communal issue could be taken by the Interim Government if the majority of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point '

### League's Dilemma

I had by my letter of June 19 informed the Viceroy that in view of the serious changes which had from time to time been made to satisfy the Congress, it was not possible for the Working Committee to arrive at any decision in the matter of formation of the Interim Government, so long as the Congress did not convey their final decision on the proposals of June 16 to the Viceroy and until it was communicated to me.

It was finally arranged that the Congress should give their decision by June 23, and the League should give its decision on the same day or immediately thereafter. The reply of the Congress was, however, not forthcoming till late in the evening of June 25 and I was asked to meet the Cabinet Delegation and the Viceroy the same evening. There I was furnished with a copy of the letter of the President of the Congress dated June 25.

According to the arrangement referred to above, I placed this reply before my Working Committee immediately, and the same day the Muslim League Working Committee adopted the following resolution which was communicated to the Viceroy the same night :

### **League's Resolution**

'The President of the All-India Muslim League placed before the Working Committee a copy furnished to him by the Viceroy and the Cabinet Delegation in the course of their interview with him this evening, of the letter of the Congress President addressed to the Viceroy, conveying the decision of the Congress with regard to the proposals of the Cabinet Delegation and the Viceroy contained in their statements of May 16 and June 16.

1. 'According to the understanding that the Muslim League Working Committee will give their decision after the Congress has decided, and, as desired by the Viceroy by the letter of his Private Secretary dated June 21 addressed to the Honorary Secretary of the All-India Muslim League, Nawabzada Liaquat Ali Khan, that the decision of the Muslim League be communicated immediately after the reply of the Congress, the Working Committee of the All-India Muslim League hereby resolve to agree to join the Interim Government on the basis of the statement of the Cabinet Delegation and his Excellency the Viceroy dated June 16, and the clarifications and assurances given by the Viceroy after consultation with the

Cabinet Delegation in his letter dated June 20, addressed to the President of the Muslim League.

2. The Working Committee cannot accept the contention of the Congress contained in the aforesaid letter that the Congress is entitled to adhere to its interpretation of some of the provisions in the statement of the Cabinet Delegation and His Excellency the Viceroy dated May 16 which is opposed to the interpretation and explanation embodied in the statement issued by the Cabinet Delegation and the Viceroy on May 25.

3. With regard to the rest of the letter of the Congress President, the Working Committee reserve their observation for the present.

### **Postponement Regretted**

I regret that the Cabinet Delegation and the Viceroy should have thought fit to postpone indefinitely the formation of the Interim Government on the basis of their statement of June 16 as that statement clearly says that the Viceroy aimed at inaugurating the Interim Government about June 26. It is very difficult to see what are the mysterious reasons and causes for this sudden departure. The Muslim League emphatically disapproves of this action on the part of the Cabinet Delegation and the Viceroy, because all contingencies including rejection by the Congress were contemplated by and provided for in the statement of June 16 and Clause 8 of the statement, taken along with the context, is quite clear and the Delegation and the Viceroy were in honour bound to go ahead with the formation of the Interim Government immediately with those who were willing to come into the Interim Government on the basis and principles set out in their statement of June 16.

As regards the resolution of the Congress, I most emphatically repudiate their bogus claim that they represent India and their claim to "national" character. The Congress are a Hindu organization and they do not represent any other community except the Caste

"Hindus. They certainly do not represent the Muslims and the mere fact that they have a handful of Muslim henchmen for the purpose of window-dressing cannot give them national character which they claim, nor the right to represent India upon which they keep on harping. This has been established beyond doubt in the recent elections the results of which show that the Muslim League carried away 90 per cent of the total of Muslim seats in the various legislatures, and out of the remaining 10 per cent the Congress share does not amount to more than 4 per cent.

### **Congress Not "National" Body**

The Congress, therefore, have no right to represent to speak on behalf of the Muslims and their refusal to accept the proposals for the formation of the interim Government is based on sinister motives. Firstly, they wanted to break the parity between the Muslims and the Caste Hindus. It was accepted by them at Simla last year at the conference called by the Viceroy in connection with the 'Wavell Proposals, and, secondly, their insistence on nominating a Congress Muslim is aimed at striking at the fundamentals of the League and its Muslim national representative character and at attempting to establish a false claim that the Congress represents the Muslims and the Muslim League is not the representative organization of Muslim India. As is pointed out above, the Congress claim is not true nor based upon facts and, therefore, the Muslim League cannot be a party directly or indirectly to any course of action which is calculated to prop up this bogus claim.

As regards the safeguard that no decision on any major communal issue could be taken if the majority of the main parties were opposed to it, of which assurance was given by the Viceroy, this is absolutely necessary to protect the Muslim interests as the number is now increased from 12 to 14, although there is parity between the Caste Hindus and the Muslims. the

Muslims will be in a minority of little over one-third in the whole executive.

### **Parity Abandoned**

I gather from the letter of the President of the Congress that the Viceroy represented to him that in his proposal there was no parity either between Hindus and Muslims or between the Congress and the Muslim League inasmuch as there were to be six Hindus belonging to the Congress as against five Muslims belonging to the Muslim League. One of the six Hindus belonged to the Scheduled Caste.

Whether this version is true or not, it is contrary to what the Viceroy said in his letter of June 20 to me which clarifies the points raised by me and in that he says: "The proportion of members by communities will not be changed without the agreement of the two major parties." However, I want to make it clear that if there is any departure made in the principle of parity or if the Congress is allowed to nominate a Muslim, in either case it will be impossible for the Muslim League to agree to it as that would strike at the very fundamentals of the League.

### **Compulsory Grouping**

Notwithstanding the clear statement of May 16 and the further statement of the Cabinet Delegation and the Viceroy of May 25 clarifying and finally giving their authoritative interpretation, the Congress, both in the letter of the President and their resolution adhere to their wrong interpretation that any province or provinces, is or are entitled to opt out initially and that they have a right at any stage to do so. This is clear indication that the Congress is not accepting the long-term proposals in a sincere and honest spirit of co-operation and peaceful settlement. If they persist in this and adopt measures to set at naught what is described by the statement of the Delegation of May 25 to constitute the essential feature of the scheme the whole plan will be wrecked at its very inception.

As regards the many other statements and allegations that are made in the letter of the Congress President they are merely intended for propaganda and some of them are not relevant to the immediate issues, but I have no means of dealing with them as I do not know what actually took place between the Congress President and the Viceroy or the Delegation as I have not got the correspondence that passed between them on various points to which references have been made in this letter.

In conclusion, I would like to emphasize that if any attempt is made to whittle down in any way the assurances given to the Muslim League or to change or modify the basis of the statement of June 16 which has been accepted by the Muslim League, it will be regarded by Muslim India as going back on the part of the Cabinet Delegation and the Viceroy on their pledged word in writing and as a breach of faith. The British Government will in that case forfeit the confidence of Muslim India and of those whom they expect to work on their part, according to their pledged word.

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## Viceroy-Jinnah Correspondence

Letter from Mr. M.A. Jinnah to the Viceroy, dated June 19:

I am in receipt of your letter of June 16 together with an advance copy of the statement by the Cabinet Delegation and yourself of the same date.

In my interview with you at Simla, prior to the announcement of the Cabinet Delegation's proposals, you had informed me that you were going to form an Interim Government consisting of 12 members on the basis of five Muslim League, five Congress, one Sikh and one Indian Christian or Anglo-Indian. As regards the portfolios, you had indicated that the important ones would be equally divided between the Muslim League



and the Congress, but details of actual allotment were to be left open for discussion.

### **The Simla Formula**

After the statement of the Cabinet Delegation and yourself, dated May 16, you again on June 3 at New Delhi gave me to understand that the formula for the formation for the Interim Government disclosed to me at Simla would be followed. On both the occasions I sought your permission to communicate this information to my Working Committee, which you kindly gave. Accordingly, I gave a full account of the talks I had with you, and the decision of the Working Committee in regard to the acceptance of the long-term proposals was largely influenced by the faith which they reposed in the scheme for the formation of the Interim Government disclosed by you to me on the two occasions.

Further, as I have already pointed out in my letter to you of June 8, I made the statement before the Council of the All-India Muslim League that that was the formula, which, I was assured by you, would be the basis on which you would proceed to form your Interim Government, and, therefore, this formed an integral part of the plan embodied in the statement of the Cabinet Delegation. This was one of the most important considerations which weighed with the Council of the All-India Muslim League also in arriving at their decision, although even then there was a section that was opposed to the plan being accepted.

### **Warning Against Changes**

When the Congress Press started a sinister agitation against Congress-League parity, with a view to informing you of the Muslim League stand I wrote to you on June 8 that "any departure from this formula, directly or indirectly, will lead to serious consequences and will not secure the co-operation of the Muslim League."

Subsequently, in my interview with you on June 14 you informed me that you wanted to alter the basis and proceed on the formula of five Congress, five Muslim League, and three others, namely, one Sikh, one Scheduled

Caste, and one Indian Christian. I told you then that if any change was proposed to be made I would have to place the matter before the Working Committee and may have to call another meeting of the Council of the All-India Muslim League. I also informed you that when the Congress finally agreed to your new formula, I would then place it before my Working Committee for them to take such action as they deemed necessary.

### New Basis

After discussion with the Congress representatives you wrote to me on June 15 informing me that you had failed to negotiate an agreement on the composition of the Interim Government on the basis of 5:5:3 and that the Cabinet Delegation and yourself would issue a statement on June 16 on the action that you proposed to take and that you would let me have a copy of it before publication.

Accordingly, you sent me a copy of the statement by the Cabinet Delegation and yourself issued on June 16 with a covering letter of the same date, which I placed before my Working Committee and who, after careful consideration of the matter, have authorized me to state as follows.

(a) That the Working Committee are surprised that invitations have been issued to five Muslim Leaguers to join the Interim Government without calling for a list from the leader of the Muslim League.

(b) That your latest proposal, on the basis of which you now desire to form your Interim Government, shows that you have abandoned parity between the Congress and the Muslim League, the two major parties, and have substituted parity between the Muslim League and Caste Hindus, and have added a fourth representative of the minorities, namely, a Parsi. One of the minority representatives nominated by you, i. e., Mr. Jagjivan Ram, is a Congressman and has been selected, it appears, not to give real representation to the Scheduled Castes, but to give an additional seat to the Congress in the Interim Government.

(c) That the modifications which have been made in the original formula for the Interim Government have adversely affected the proportion of the Muslims in the Interim Government as a whole and as against the Congress as a single group.

(d) That in view of the serious changes which have, from time to time, been made to satisfy the Congress it is not possible for the Working Committee to arrive at any decision in the matter of the formation of the Interim Government so long as the Congress does not finally convey its decision on the proposals to you.

(e) That the question of distribution of portfolios should also be finally decided so that there may be no further hitch created by the Congress in this regard and the Working Committee may have a complete picture before them when they meet to consider the proposals.

### **Elucidation Sought**

Further, I shall be grateful if you will please make the following points clear with reference to your letter and statement of June 16 :

1. Whether the proposals contained in the statement for the setting up of an Interim Government are now final or whether they are still open to any further change or modification at the instance of any of the parties or persons concerned ;

2. Whether the total number of 14 members of the Government as proposed in the statement would remain unchanged during the interim period ;

3. If any person or persons invited as representatives of the four minorities, viz., the Scheduled Castes, the Sikhs, the Indian Christians and the Parsis, is, or are, unable to accept the invitation to join the Interim Government for personal or other reasons, how will the vacancy or vacancies thus created, be filled by the Viceroy ; and whether in filling up the vacancy or vacancies the Leader of the Muslim League will be consulted and his consent obtained ;

4. (a) Whether during the interim period for which the coalition Government is being set up the constitution of members of the Government, community-wise, as provided in the proposals, will be maintained ;

(b) Whether the present representation given to four minorities, viz., the Schedule Castes, the Sikhs, the Indian Christians and the Parsis will be adhered to without any change or modification, and

5. In view of the substitution of 14 now proposed for the original of 12 and the change made in the original formula whether there will be a provision, in order to safeguard Muslim interests, that the Executive Council shall not take any decision on any major communal issue if the majority of the Muslim members are opposed to it.

I trust that you will kindly favour me with your reply as early as possible.

Letter to Mr M.A. Jinnah from the Viceroy dated June 20:

I thank you for your letter of June 19 which I have shown to the Cabinet Mission. I do not think it is necessary for me to comment on the first part of your letter. I am sure you will appreciate that negotiations designed to secure acceptance by two parties with conflicting interests may not always end on the same basis as that on which they began and as you know I never gave you any guarantee that they would necessarily be concluded on any particular basis.

I note the views of the Muslim League set out in paragraph (a) to (e) of your letter.

The intention in the statement of June 16 was that the discussion of portfolios with leaders of the two main parties should follow the acceptance by both parties of the scheme. This intention still holds, since until the names are known it is difficult to decide on the distribution of portfolios.

#### **No Change in Principle**

On the points which you desire to be made clear in connection with the Government to be formed under

our statement of June 16 I give you the following reply after consultation with the Delegation:

- (1) Until I have received acceptance from those invited to take office in the Interim Government the name in the statement cannot be regarded as final. But no change in principle will be made in the statement without the consent of the two major parties.
- (2) No change in the number of 14 members of the Interim Government will be made without the agreement of the two major parties.
- (3) If any vacancy occurs among the seats at present allotted to representative of minorities I shall naturally consult both the main parties before filling it.
- (4) (a) and (b) The proportion of members by communities will not be changed without the agreement of the two major parties.
- (5) No decision on a major communal issue could be taken by the Interim Government if the majority of either of the main parties were opposed to it. I pointed this out to the Congress President and he agreed that the Congress appreciated this point.
- (6) If you agree, I will send copies of the questions in your letter and of paragraphs 4 and 5 of this letter to the President of the Congress.

Letter to Mr. M. A. Jinnah from the Viceroy dated June 28.

The Cabinet Mission and I feel that here are certain points in your statement released yesterday which it would be wrong to leave unanswered.

You will remember that at an interview which the Cabinet Mission and I had with you on the evening of June 25, before the meeting of your Working Committee at which you accepted the proposals in the statement of June 16, we explained to you that as Congress had accepted the statement of May 16 while refusing to take part in the Interim Government proposed in the statement of June 16, this had produced a situation in

which paragraph 8 of the statement of June 16 took effect. This paragraph stated that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in that statement the Viceroy would proceed with the formation of an Interim Government which would be as representative as possible of those willing to accept the statement of May 16.

### **No Room For Doubt**

We said that since the Congress and the Muslim League had now both accepted the statement of May 16, it was the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which had already taken place, and since we all had other work to do, we felt that it would be better to have a short interval before proceeding with further negotiations for the formation of an Interim Government. Thus, whatever interpretation you may put on paragraph 8, your Working Committee can have been in no doubt as to the course we proposed to adopt.

I confirmed in writing the same evening what we had told you.

Secondly, the assurances which you quote in your statement related specifically to the particular Interim Government that would have been set up if both major parties had accepted the statement of June 16.

To prevent misunderstanding I propose to publish this letter together with your letter, of June 19, the substance of which has already appeared in the Press, and my reply of June 20.

Letter to Mr. M.A. Jinnah from the Viceroy dated June 28.

I have received your letter of June 28 and have shown it to the Cabinet Ministers,

We are quite unable to accept your suggestion that we have gone back to our word. As I have said in a letter to you earlier today our course of action was determined by what had been laid down in paragraph 8 of the statement of June 16: and we had made it plain

to you before your Working Committee meeting on June 25 that we proposed to follow this course.

The arrangements for the elections to the Constituent Assembly have already been put into operation and we do not propose to postpone them.

As the substance of your letter was included in the All-India Radio news today I am publishing this reply.

Letter from Mr. Jinnah to the Viceroy, dated June 8 :

"During the course of our discussions regarding the Interim Government at Simla and thereafter at Delhi on June 3 after the arrival and before the meeting of the Muslim League Working Committee took place, you were good enough to give me the assurance that there will be only 12 portfolios, five on behalf of the League, five Congress, one Sikh and one Indian Christian or Anglo-Indian; and that, as regards the portfolios the most important portfolios will be equally divided between the League and the Congress in the distribution thereof, further details being left open for discussion.

"With your previous permission I informed the Working Committee of this assurance and this was one of the most important considerations which weighed with them together with the statement of the Cabinet Mission. These two together form one whole and, as such, the Council of the All-India Muslim League has given its final decision on June 6.

"I may further inform you that similarly I had to repeat the assurance to the Council before they finally gave their approval. As you know, the meeting of the All-India Muslim League Council was held in camera and, there again, the House showed great opposition to the scheme in the beginning. During the course of discussions at a very early stage a large body of opposition was satisfied when I made the statement in answer to the very pressing question as to what our position will be with regard to the Interim

Government. But for this assurance we could not have got the approval of the Council to the scheme. As requested by you I took as much care as possible to see that it did not become public.

"I am writing this letter to you as I find that a very sinister agitation has been set on foot by the Congress. Press against your formula stated above, which was the turning point in our having secured the decision of the Council. Any departure from this formula, directly or indirectly, will lead to very serious consequences and will not secure the co-operation of the Muslim League.

"You know further that the Congress may adopt an offensive attitude by including a Muslim in their quota, which will be strongly resented by the Muslim League and which will be another very great hurdle before us."

#### **Assurance of Parity**

The Viceroy replied by his letter of June 9 and in this letter he did not take exception to the facts stated by me in my letter quoted above. Only according to him "there was no assurance on this point." The following is the full text of the Viceroy's letter:

Letter from the Viceroy to Mr. M. A. Jinnah, dated June 9:

"Thank you for your letter of yesterday. You speak of an assurance about the 5: 5. 2 ratio: there was no assurance on this point, but I told you, as I told the Congress, that this was what I had in mind. It would be wrong for me to leave you under the impression that there was any assurance, although I hope that we may reach an agreement on that basis."

The fact, however, remains that he did make this representation to me and authorized me to do likewise to the Working Committee and the Council of the All-India Muslim League, both of which were induced to come to their decisions upon the faith of this representation.

The next important date is June 13 when I was..



called by the Viceroy and, suddenly he presented a new formula for the composition of the Interim Government. i.e. 5:5:3. I have already explained as to what transpired between him and me with regard to this revised formula. But the Viceroy failed to negotiate an agreement with the Congress on this basis also and I was informed by his letter of June 15 that the Cabinet Delegation and he would issue a statement on June 16 on the action they proposed to take. I reproduce below in full the Viceroy's letter of June 15.

### **The Sudden Change**

Letter from the Viceroy to Mr. M. A. Jinnah dated June 15:

"I am writing to inform you that after discussions with the Congress representatives I have failed to negotiate an agreement on the composition of an Interim Government on the basis which I suggested to you. The Cabinet Delegation and myself have, therefore, decided to issue tomorrow a statement on the action we propose to take; and we will let you have a copy of this before publication."

Their final proposals were embodied in their statement of June 15 and now they have gone back on these proposals also by postponing the formation of the Interim Government indefinitely.

As regards my interview on the evening of June 25 at 5-30 p.m. when I was suddenly called by the Cabinet Delegation and the Viceroy, a fantastic interpretation was suggested on the statement of June 16 in the course of our talk and I was asked to give my opinion; and I emphatically differed from them. It was agreed that they would communicate in writing to me finally their views and the action they proposed to take. The Viceroy then sent me his letter dated June 25, which reached me, as I have already stated, at midnight after the resolution of the Working Committee was passed and released to the Press.

If, as it is now sought to be made out, they had already come to their final decision as to the course they were

going to adopt, why was that decision not communicated to me by the Viceroy earlier in the day as they had received the Congress reply before mid-day on June 25 instead of calling me for discussion as to the correct interpretation or true construction of paragraph 8 in the statement of June 16, and then informing me that the Cabinet Delegation and the Viceroy will communicate with me as to what they proposed to do?

### **Interim Govt. Postponed**

I give below the text of the Viceroy's letter of June 25 referred to above, my reply to this letter dated June 26 and the Viceroy's reply to it dated June 27 conveying to me his intention to form a temporary caretake Government till the reopening of negotiations "after the elections to the Constituent Assembly have been completed."

Letter from the Viceroy dated June 25:

"You asked for a letter in confirmation of what the Delegation said to you this evening.

"We informed you that the Congress had accepted the statement of May 16 while refusing to take part in the Interim Government proposed in the statement of June 16.

"This has produced a situation in which paragraph 8 of the statement of June 16 takes effect. This paragraph said that if either of the two major parties was unwilling to join in the setting up of a Coalition Government on the lines laid down in the statement, the Viceroy would proceed with the formation of an Interim Government 'which will be as representative as possible of those willing to accept the statement of May 16.'

"Since the Congress and the Muslim League have now both accepted the statement of May 16, it is the intention to form a Coalition Government including both those parties as soon as possible. In view, however, of the long negotiations which have already taken place, and since we all have other work to do, we feel that it will be better to have short interval before proceeding with further negotiations for the formation of an Interim Government.

"This, therefore, is the course of action we propose to adopt, unless the two main parties can within the next few days agree upon a basis on which they can co-operate in a Coalition Government.

"Meanwhile the election and summoning of a Constituent Assembly as laid down in the statement of May 16 are going forward."

### **Viceroy Urged To Go Ahead**

**Letter from Mr. M. A. Jinnah to the Viceroy dated June 26:—**

"I received your letter dated June 25, at midnight last night after I had sent you the resolution of my Working Committee passed at its meeting yesterday with a covering letter of the same date agreeing to join the Interim Government on the basis of the statement of the Cabinet Delegation and yourself dated June 16, and the clarifications and assurances given by you after consultation with the Cabinet Delegation in your letter dated June 20, addressed to me.

"I regret that the Congress, while accepting the statement of May 16, should have rejected the proposals regarding the setting up of the Interim Government on the basis of the statement of June 16, which was the final decision of the Cabinet Delegation and yourself in this regard. May I draw your attention to paragraph 8 of the statement of June 16, which clearly lays down that the acceptance of the statement of May 16, and rejection of the final proposals embodied in the statement of June 16, cannot change the basis and principles laid down therein ?

"In paragraph 3 of your letter, when you say that the Viceroy would proceed with the formation of an Interim Government which will be as representative as possible of those willing to accept the statement of May 16, the quotation qualifies them to be included in the Interim Government, but, only on the basis of, and the principles laid down in your proposals of June 16. In these circumstances, as indicated in the statement of

June 16. In these circumstances, as indicated in the statement of June 16, paragraph 7, that you aimed at inaugurating the Interim Government about June 26, I hope, you will not now delay the matter but go ahead with the formation of the Interim Government on the basis of your statement of June 16."

### **Interval Not Necessary**

Letter from the Viceroy dated June 27 :

"Thank you for your letter of yesterday. I am sorry that my letter did not reach you till after the meeting of your Working Committee had ended.

"As we explained to you during our interview on Tuesday the Cabinet Mission and I consider that in the light of paragraph 8 of the statement of June 16, I am clearly bound to make an attempt to form a Government representative of both the major parties since both have accepted the statement of May 16.

"I think you will agree that it is essential to have a short interval before resuming negotiations and as we informed you it is proposed to set up a temporary caretaker Government of officials. I intend reopening negotiations after the elections to the Constituent Assembly have been completed. Meanwhile, the Cabinet Mission will return home to report."

"As regards my request for the postponement of the elections to the Constituent Assembly, my reply to the two letters of the Viceroy of June 28 has not been included in the published letters. I therefore, think that I must, in fairness, release my letter of June 28, in reply to the Viceroy's letter of June 27, reproduced above, and also my reply dated June 28, to the two letters of the Viceroy of same date released to the Press yesterday.

The following is the text of the two letters:

### **Pledge Not Redeemed**

Letter from Mr. Jinnah dated June 28, to the Viceroy in reply to the latter's dated June 27 :

"I am in receipt of your letter of June 27.

"I had already pointed out by my letter of June 26, in reply to yours of June 25, and also, at the interview on

Tuesday, June 25, with you and the Cabinet Delegation that you were in honour bound to proceed forthwith the formation of your Interim Government in accordance with the statement of June 16, which was final, and the assurances given to us.

"The Cabinet Delegation and yourself issued an official statement late in the evening of June 26, and as I have already pointed out in my statement issued to the Press yesterday by that pronouncement you have chosen to go back upon your pledged word by postponing the formation of the Interim Government.

"Now I have received your letter of June 27, and hereby inform you that I cannot agree with you when you say in your letter that "it is essential to have a short interval before resuming negotiations." I repeat that you should have proceeded in terms of the paragraph 8 of the statement of June 16, without delay. But since you have adopted this course of action in the official statement of the Cabinet Delegation and yourself, which is neither fair nor just, I strongly urge upon you without prejudice that the elections to the Constituent Assembly also be postponed as, you know, that according to all the relevant documents and particularly the two statements of the Cabinet Delegation and yourself dated May 16 and 25, the long-term plan and the formation of the Interim Government formed one whole each constituting an integral part of the whole scheme. It is, therefore, undesirable to proceed with one part, i.e., elections to the Constituent Assembly and to postpone the other.

"As regards paragraph 2 of your letter I am surprised when you say that the assurances quoted by me from your letter in my statement were given "if both the major parties had accepted the statement of June 16." No such indication of any condition is given in your letter of June 20, which I understand from your Private Secretary has already been released to the Press together with some other correspondence. May I request you to release this letter also.

"I have received a second letter from you dated June 28. May I also request you to publish the full text of my letter of June 28, asking you to postpone the Constituent Assembly elections—and not only a substance of it which might have appeared in the All-India Radio broadcast,—as you propose to release your reply to the Press."

I maintain that the Cabinet Delegation and the Viceroy have gone back on their word within ten days of the publication of their final proposals in not implementing the statement of June 16 and I fully endorse what has been put so well—'statesmen should not eat their words.'

**Letter from Mr. M.A. Jinnah to the Viceroy in reply to his two letters of June 28 released to the Press the other day :**

"I am in receipt of your letter of June 28. The facts are correctly stated in my statement that was released to the Press yesterday of June 27.

"The explanation that you now give in your letter under reply of what took place between me and the Cabinet Delegation and yourself, does not change in any way the position. The fact is that you did not communicate to me your views officially before the meeting of the Working Committee. I requested you to send your views officially to me and you did so by your letter dated June 25, which reached me at midnight after the Working Committee had passed their resolution which was released to the Press according to the solemn arrangement that we were to give our reply immediately after the decision of the Congress. If you wish to take the credit that some indication was given to me of the change on your part in the course of the interview, where we discussed so many things, you may do so."

### **Azad-Wavell Correspondence**

**Letter from Maulana Azad to the Viceroy, dated May 25, 1946.**

Your Excellency will remember that the demand of the Congress from the very beginning of the present

discussions regarding the Interim Government has been that there must be a legal and constitutional change in order to give it the status of a truly national Government. The Working Committee has felt that this is necessary in the interests of a peaceful settlement of the Indian problem. Without such status the Interim Government would not be in a position to infuse in the Indian people a consciousness of freedom which is today essential.

Both Lord Pethick-Lawrence and you have however pointed out the difficulties in the way of offering such constitutional change while at the same time assuring us that the Interim Government would have in fact, if not in law, the status of a truly national Government. The Working Committee feel that after the British Government's declaration that the Constituent Assembly will be the final authority for framing the constitution any constitution framed by it will be binding the recognition of Indian independence is imminent.

It is inevitable that the Interim Government which is to function during the period of the Constituent Assembly must reflect this recognition. In my last conversation with you you stated that it was your intention to function as a constitutional head of the Government and that in practice the Interim Government would have the same powers as that of a Cabinet in the Dominions. This is, however, a matter which is so important that it would not be fair either to you or to the Congress Working Committee to let it rest upon what transpired in informal conversations. Even without any change in the law there could be some formal understanding by which the Congress Working Committee may be assured that the Interim Government would in practice function like Dominion Cabinet.

#### **Responsibility To Legislature**

The question of the responsibility of the Interim Government to the Central Assembly may also be treated in the same way. The existing law permits an executive independent of the Central Legislature but

a convention could be created by which its tenure of office would depend on its enjoyment of such confidence.

The other details regarding the composition and magnitude of the Interim Cabinet which came up in my discussions with you would all depend upon the satisfactory solution of the two basic question enumerated above. If the questions of status and responsibility of the Interim Government are satisfactorily solved I hope we would be able to decide other questions without delay.

**Reply from the Viceroy to the Congress President, dated May 30 1946 :**

My Dear Maulana Sahib,

I have received your letter of May 25, on the Interim Government. We have discussed this matter on several occasions and I recognize the importance that you and your party attach to a satisfactory definition of the powers of the Interim Government and appreciate your reasons for asking for such definition. My difficulty is that the most liberal intentions may be almost unrecognizable when they have to be expressed in a formal document.

I am quite clear that I did not state to you that the Interim Government would have the same powers as a Dominion Cabinet. The whole constitutional position is entirely different. I said that I was sure that His Majesty's Government would treat the new Interim Government with the same close consultation and consideration as a Dominion Government.

His Majesty's Government have already said that they will give to the Indian Government the greatest possible freedom in the exercise of the day-to-day administration of the country; and I need hardly assure you that it is my intention faithfully to carry out this undertaking.

I am quite clear that the spirit in which the Government is worked will be of much greater importance than any formal document and guarantee. I have no doubt that if you are prepared to trust me,



we shall be able to co-operate in a manner which will give India a sense of freedom from external control and will prepare for complete freedom as soon as the new constitution is made.

I sincerely hope that the Congress will accept these assurances, and will have no further hesitation in joining to co-operate in the immense problems which confront us.

In the matter of time-table you will be aware that the All-India Muslim League Council is meeting on June 5, at which we understand decisive conclusions are to be reached. I suggest, therefore, that if you summon your Working Committee to re-assemble in Delhi on Friday the 7th, it may be possible for final decisions to be made by all parties on all outstanding questions early in the following week.

### **Nehru Invited**

Letter from the Viceroy to Pandit Jawaharlal Nehru, dated June 12, 1946 :—

Dear Pandit Nehru,

I am anxious to have an opportunity of consulting you together with Mr. Jinnah as to how best I can fill the various posts in the Interim Government, could you come to see me for this purpose at 5 p.m. today ?

It is not my intention to discuss any question of principle such as "parity" or otherwise, but to concentrate upon what I know to be our common objective. That is to get the best possible Interim Government drawn from the two major parties and some of the minorities, and to approach this decision by a consideration of what the portfolios should be and how each one can best be filled.

I am sending a similar letter to Mr. Jinnah.

### **Invitation Accepted**

Reply from Pandit Jawaharlal Nehru to the Viceroy, dated June 12, 1946:—

Dear Lord Wavell,

I am sorry for the slight delay in answering your letter of today's date. Your invitation to me to see you today at 5 p.m. in order to confer with you and Mr. Jinnah about the Interim Government placed me in a somewhat difficult position. I would gladly meet you at any time, but our official spokesman in regard to such matters is naturally our President, Maulana Azad. He can speak and confer authoritatively, which I cannot do. It is, therefore, proper that he should be in charge on behalf of any authoritative conversations that might take place. But since you have asked me to come I shall do so. I hope, however, that you will appreciate my position and that I can only talk without authority which vests in our President and the Working Committee.

#### **Parity Not Acceptable**

Letter from Maulana Azad, to the Viceroy, dated June 13, 1946 —

Dear Lord Wavell,

Thank you for your letter of June 12, which I have just received, inquiring after my health. I have now more or less recovered.

Pandit Jawaharlal Nehru has reported to my Committee and me, the gist of the conversations between your Excellency and him. My Committee regret that they are unable to accept your suggestions for the formation of the provisional national government. These tentative suggestions emphasize the principle of "parity" to which we have been and are entirely opposed.

In the composition of the Cabinet suggested by you there is "parity" between the Hindus, including the Scheduled Castes, and the Muslim League. That is the number of Caste Hindus is actually less than the nominees of the Muslim League. The position thus is worse than it was in June 1945, at Simla, where according to your declaration then there was to be 'parity' between the Caste Hindus and Muslims, leaving additional seats for the Scheduled Caste Hindus. The Muslim seats then were not reserved for the League only but could include non-

League Muslims. The present proposal thus puts the Hindus in a very unfair position and at the same time eliminates the non-League Muslims. My Committee are not prepared to accept any such proposal. Indeed as we have stated repeatedly we are opposed to "parity" in any shape or form.

In addition to this parity we are told that there should be a convention requiring that major communal issues should be decided by separate group voting. While we have accepted this principle for long-term arrangements we did so as an effective substitute for other safeguards. In your present proposal, however, both "parity" and this convention are suggested. This would make the working of the provisional Government almost impossible and deadlock a certainty.

### **Cabinet of 15 Demanded**

As I have often pointed out to you we are strongly of the opinion that the Provisional Government should consist of 15 members. This is necessary to carry out the administration of the country efficiently, as well as to give adequate representation to the smaller minorities. We are anxious that the various minorities should have scope in such a Government. The work before the Provisional Government is likely to be much heavier and more exacting.

In your proposals communications include railways, transport, posts, telegraphs and air. It is difficult for us to conceive how all these can be joined together in one portfolio. This would be highly undesirable at any time with industrial troubles, and the possibility of railway strikes this arrangement would be wholly wrong. We think also that planning is an essential department for the Centre. We think, therefore, that the Provisional Government must consist of 15 members.

The suggested division of portfolios appears to us to be undesirable and unfair.

My Committee would also like to point out that a Coalition Government in order to be successful must

have some common outlook and programme for the time being. The manner of approach in forming such a government has been such as to leave this out of consideration and my Committee do not feel any confidence that such a coalition can function successfully.

It was our intention to write to you about certain other matters also, but for reasons known to you our letter has been delayed. I shall write to you about the other matters later. My purpose in writing to you now is to convey to you without any delay our reactions on the tentative proposals that you put forward today.

### Defects In Statement

Letter from Maulana Azad to the Viceroy, dated June 14, 1946:

Dear Lord Wavell,

In my letter to you sent yesterday I promised to send you another letter. I am now doing so.

On May 24, the Congress Working Committee passed a resolution which I conveyed to you. In a resolution we gave our reactions to the statement dated May 16, 1946, which the British Cabinet Delegation and you issued on behalf of the British Government. We pointed out what were in your opinion some of the omissions and defects in that statement and we also gave our interpretation of some of its provisions. In a subsequent statement issued by you and the Cabinet Delegation our viewpoint was not accepted.

You know and we have repeatedly emphasized this that our immediate objective has been and is the independence of India. We have to judge everything by this standard. We suggested that even though no legal change might be made at this stage, independence in practice might be recognized. This has not been agreed to.

In your letter, dated May 30, 1946, addressed to me you explained what in your view the status and powers of the Interim Government would be. This too falls short of what we aim at. Yet the friendly tone of your

letter and our desire to find some way out led us to accept your assurance in the matters. We came to the conclusion also that, unsatisfactory as were many of the provisions of your statement of May 16, we would try to work them according to our own interpretation and with a view to achieving our objective.

### **Grouping Opposed**

You are no doubt aware of the strong feeling of resentment which exists among large sections of the people against some of the proposals in the statement, notably the idea of grouping. The Frontier Province and Assam have expressed themselves with considerable force against any compulsory grouping. The Sikhs have felt hurt and isolated by these proposals and are considerably agitated. Being a minority in the Punjab, they become still more helpless, as far as numbers go, in Section "B". We appreciated all these objections especially as we ourselves shared them. Nevertheless we hoped that according to our interpretation of the clauses relating to grouping, which we still hold is the correct interpretation, for any other interpretation would endanger the basic principle of provincial autonomy, we might be able to get over some of the obvious difficulties.

### **Two Obstacles**

But two insuperable obstacles remained and we had hoped that you would be able to remove them. One of these related to the part that European members of the Provincial Assemblies might play in the election to the Constituent Assembly. We have no objection to Englishmen or Europeans as such, but we do have a strong objection to persons, who are foreigners and non-nationals and who claim to belong to the ruling race, participating in, and influencing the elections to the Constituent Assembly.

The Cabinet Delegation's statement lays down clearly that the future constitution of India has to be decided by Indians. The basic principle of the statement of May 16 was the election of a member of the Constituent

Assembly to represent one million inhabitants. On this basis, the representatives of 146,000 Muslims in Orissa and 180,000 Hindus and 58,000 Sikhs in the North-West Frontier Province have not been given the right to elect any member to the Constituent Assembly. The European population of Bengal and Assam numbers only 21,000, but their representatives can return to the Constituent Assembly by their own vote seven out of 34 members, thus appropriating to themselves the right to represent seven millions. They are returned to the provincial assemblies by a separate electorate of their own and have been given fantastic weightage. This representation of Europeans in the Constituent Assembly will be at the cost of non-Muslims, that is, mainly Hindus, who are already in a minority in Bengal. To make a minority suffer in this way is surely utterly wrong.

### **No Vote For Europeans**

Apart from the question of principle, it is a matter of the utmost importance in practice and may well affect the future both of Bengal and Assam. The Congress Working Committee attach the greatest importance to this. We would like to add that even if the Europeans themselves do not stand for election, but merely vote, the results will be equally bad.

The Cabinet Delegation have informed us that beyond promising to use persuasive powers they could not hold out any assurance to us that these European members would not exercise the right which, we are advised, they do not possess under the statement of May 16. But if the Delegation hold otherwise, as evidently they do, we cannot contemplate a legal fight for their exclusion at the threshold of the Constituent Assembly. Therefore, a clear announcement is necessary that they will not take part as voters or candidates in the election to the Constituent Assembly. We cannot depend on grace or goodwill where rights are concerned.

### **Dangerous Innovation**

Equally important, in our view, is the question of "parity" in the proposed provisional national Govern-

ment. I have already written to you on this subject. This "parity," or by whatever other name it may be called, has been opposed by us throughout and we consider it a dangerous innovation which, instead of working for harmony, will be a source of continuous conflict and trouble. It may well poison our future as other separatist steps in the past have poisoned our public life.

We are told that this is a temporary provision and need not be treated as a precedent but no such assurance can prevent an evil step from having evil consequences. We are convinced that even the immediate results of any such provision will be harmful.

If the position about the European vote and "parity" remains, my committee are reluctantly compelled to inform you that they will not be able to assist you in the difficult task ahead.

The talk we had with you today has not made any substantial difference to the fundamental position. We have noted that according to your new suggestions, the proposed woman member might be replaced by a Hindu, thus increasing the Hindu members, including Scheduled Caste representatives, to six. We would be sorry not to have a woman member, but apart from this, the new proposal maintains the old Simla (1945) formula of parity between Caste Hindus and Muslims with this important qualification that now Muslims are supposed to mean members of the Muslim League. We are unable to agree to this proposal and we are still convinced that the Provisional Government must consist of 15 members and that there should be no kind of parity in their selection.

#### **Viceroy Admits Failure**

Letter from the Viceroy to the Congress President dated June 15, 1946 :—

My dear Maulana Sahib,

I have received your letter of June 14. I will reply to it in detail in the course of today.

Meanwhile I must assume from the last paragraph of your letter that my attempt to negotiate an agreement between the two major parties on the composition of Interim Government has failed.

The Cabinet Delegation and I have, therefore, decided to issue to-morrow a statement on the action we propose to take, and we will let you have a copy of this before publication.

### **Compulsory Grouping**

Letter from the Viceroy to the Congress President, dated June 15, 1946 :—

My dear Maulana Sahib,

I have received your letter of June 14. You deal with matters on which we have already had much discussion.

We are doing everything possible to further the independence of India. As we have already pointed out, however, there must first be a new constitution drawn up by the people of India.

The delegation and I are aware of your objections to the principle of grouping. I would however point out that the statement of May 16 does not make grouping compulsory. It leaves the decision to the elected representatives of the provinces concerned sitting together in sections.

The only provision which is made is that the representatives of certain provinces should meet in sections so that they can decide whether or not they wish to form groups. Even when this has been done the individual provinces are still to have the liberty to opt out of the group if they so decide.

I recognize the difficulty about the Europeans who through no fault of their own find themselves in a difficult position. I still hope that a satisfactory solution of this problem will be found.

### **Party Position**

Our discussions in regard to the Interim Government have been on the basis of political parties and



not communities. I understand that this is regarded as preferable now, as it was at the first Simla Conference.

In the proposed Interim Government of myself and 13 others, there will be six Congressmen and five Muslim Leaguers. I do not see how this can be called parity. Nor is there parity between Hindus and Muslims, there being six Hindus to five Muslims.

Even at this last moment, I still hope that the Congress will now accept the statement and consent to join the interim Government.

Sd. Wavell.

### **Changed Situation**

Letter from Maulana Azad to the Viceroy, dated June 16, 1946:—

Dear Lord Wavell,

I have received your two letters of June 15. I note what you say about grouping. We abide by our interpretation of it.

As regards Europeans we are clear that even on a legal interpretation of the statement of May 16, apart, from other considerations they have not the right to participate in the elections to the Constituent Assembly. I am glad you expect a satisfactory solution of this problem.

We have endeavoured in our letter and in the course of our talks to state clearly what our position is in regard to any kind of parity. You will remember that parity was mentioned and considered at the first Simla conference. That parity was exactly the same as is now suggested by you, that is, parity between Caste Hindus and Muslims. Owing to the stress of war and other conditions then existing we were prepared to accept this only for that occasion. It was not to be used as a precedent. Moreover, this was subject to the inclusion of at least one Nationalist Muslim. Now conditions have entirely changed and we have to consider the question in another context, that is approaching independence and Constituent Assembly.

As we have written to you in this context and in the present circumstances we consider this kind of parity unfair and likely to lead to difficulties. The whole scheme proposed by you in the statement of May 16 is based on the absence of weightage. And yet, in the proposed Provisional Government, there is this weightage, in addition to other far-reaching communal safeguards.

We have tried our utmost to arrive at a satisfactory settlement and we shall not despair of it. But such a settlement, in order to be enduring, must be based on strong foundations. So far as the statement of May 16 is concerned, our main difficulty, as we wrote to you, was the European vote. This difficulty also goes.

The second and remaining difficulty relates to the proposals for the Provisional Government which have to be considered together with the statement. The two cannot be separated. These proposals have thus far been unacceptable to us, but if a satisfactory settlement in regard to them is arrived at, we would be in a position to shoulder the burden.

### **Interim Proposals**

Letter from the Viceroy to the Congress President, dated June 16, 1946:—

Dear Maulana Sahib,

I send herewith a copy of the statement which as indicated in the letter I sent you yesterday, will be released at 4 p.m. this evening.

As the statement shows, the Cabinet Ministers and I are fully aware of the difficulties that have prevented an agreement on the composition of the Interim Government. We are unwilling to abandon our hope of a working partnership between the two major parties and representatives of the minorities.

### **Appeal To Congress**

We have, therefore, done our best to arrive at a practicable arrangement taking into consideration the

various conflicting claims and the need for obtaining a Government of capable and representative administrators. We hope that the parties will now take their share in the administration of the country on the basis set out in our new statement. We are sure we can rely on you and your Working Committee to look to the wider issues and to the urgent needs of the country as a whole, and to consider this proposal in a spirit of accommodation.

(Enclosed)—statement by the Cabinet Delegation and the Viceroy dated June 16, 1946.)

### **No Decision Yet**

Letter from the Congress President to the Viceroy, dated June 18, 1946:—

Dear Lord Wavell,

I promised to write to you this evening in case my committee had come to any decisions. The committee met this afternoon and sat for many hours. In the absence of our colleague, Khan Abdul Ghaffar Khan, who is due to arrive tomorrow morning, we decided to adjourn till tomorrow. I am, therefore, not in a position this evening to convey to you any decision. I shall communicate with you as soon as my committee arrives at any conclusion.

### **Request to Azad**

Letter from the Viceroy to the Congress President, dated June 20, 1946 :—

Dear Maulana Sahib,

You will, I am sure, appreciate that the members of the Cabinet Mission have a great deal of urgent work awaiting them in England and are not in a position to prolong their stay in this country indefinitely. I would, therefore, ask your Working Committee to let us have a final answer as soon as possible to the proposals made in our statement of June 16.

I understand that you have summoned back the members of the committee who had left Delhi and in these circumstances we would ask you to let us have your answer not later than Sunday, June 23.

### New Difficulty

Reply from the Congress President to the Viceroy, dated June 21, 1946 :—

Dear Lord Wavell,

I have your Excellency's letter of June 20, 1946.

I appreciate your anxiety to come to an early decision regarding the formation of an Interim Government and I can assure you that my Working Committee fully share your anxiety. A new difficulty, in addition to the old ones, has, however, been created by the publication in the press of the alleged contents of Mr. Jinnah's letter to you in which he raises objection to the Congress nominations in the Interim Cabinet. It will be of great assistance to the Working Committee in coming to a decision if they could have copies of these alleged letters and your reply thereto as they deal with vital matters which we have to consider.

### No Precedent

Letter from the Viceroy to the Congress President dated June 22, 1946:—

My Dear Maulana Sahib,—I understand from Press reports that there is a strong feeling in Congress circles that the party should insist on their right to include a Muslim of their own choice among the representatives of the Congress in the Interim Government.

For reasons, of which you are already aware, it is not possible for the Cabinet Mission or myself to accept this request, but I draw your attention to paragraph 5 of the statement of June 16 which reads as follows:

“The above composition of the Interim Government is in no way to be taken as a precedent for the solution of any other communal question. It is an expedient put forward to solve the present difficulty only, and to obtain the best available coalition Government.”

In the light of this assurance that no precedent is established we appeal to the Congress not to press,

their demands, but to take part in the strong Interim Government which the country so urgently needs.

### **Interim Plan Rejected**

Letter from the Congress President to the Viceroy, dated June 24, 1946:—

Dear Lord Wavell,

I have just received the telephone message sent on your behalf asking me to communicate immediately the decision of the Working Committee in regard to the proposals for a provisional Government. The decision was in fact taken yesterday but we felt that it would be better if we wrote to you fully on all aspects of the proposals made by you and the Cabinet Delegation. The Working Committee have been sitting almost continuously and will be meeting at 2 p. m. again today. After full consideration and deliberation they have been reluctantly obliged to decide against the acceptance of the Interim Government proposals as framed by you. A detailed and reasoned reply will follow later.

(Sd) Abul Kalam Azad.

Letter from Maulana Abul Kalam Azad to the Viceroy dated June 25, 1946 :—

The Congress President in this letter gave a detailed reply expressing the inability of the Congress Working Committee to assist the Viceroy in forming a provisional Government as proposed in the statement of June 16, 1946. The letter, however, accepted the proposals of the statement of May 16, 1946, for the formation and successful working of the Constituent Assembly after recording the interpretation of the Congress Working Committee to certain provisions of his statement.

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## APPENDIX I

### Cripps' Proposals

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any aspect of its domestic and external affairs.

His Majesty's Government therefore make the following declaration:

(a) Immediately upon cessation of hostilities, steps shall be taken to set up in India in manner described hereafter an elected body charged with the task of framing a new constitution for India.

(b) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to:

(i) The right of any Province of British India that is not prepared to accept the new constitution, to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

(ii) The signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-

making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the constitution it will be necessary to negotiate a revision of its treaty arrangements so far as this may be required in the new situation.

(d) The constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities.

Immediately upon the result being known of provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial legislatures shall as a single electoral college proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about  $1/10$ th of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion as to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

(e) During the critical period which now faces India and until the new constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the Defence of India as part of their world war effort, but the task of organizing to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the

leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

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## Resolution of the Congress Working Committee

*This resolution was communicated to Sir Stafford Cripps on April 2, but was released to the Press only on April 10, 1942, after the talks had failed.*

The Working Committee have given their full and earnest consideration to the proposals made by the British War Cabinet in regard to India and the elucidation thereof by Sir Stafford Cripps. These proposals, which have been made at the very last hour because of the compulsion of events, have to be considered not only in relation to India's demand for independence, but more especially in the present grave war crisis, with a view to meeting effectively the perils and dangers that confront India and envelop the world.

The Congress has repeatedly stated, ever since the commencement of the war in September, 1939, that the people of India would line themselves up with the progressive forces of the world and assume full responsibility to face the new problems and shoulder the new burdens that had arisen, and it asked for the necessary conditions to enable them to do so to be created. An essential condition was the freedom of India, for only the realization of the present freedom could light the flame which would illumine millions of hearts and move them to action. At the last meeting of the All-India Congress Committee, after the commencement of the war in the Pacific,



it was stated that "only a free and independent India can be in a position to undertake the defence of the country on a national basis and be of help in the furtherance of the larger causes that are emerging from the storm of war."

The British War Cabinet's new proposals relate principally to the future upon the cessation of hostilities. The Committee, while recognizing that self-determination for the people of India is accepted in principle in that uncertain future, regret that this is fettered and circumscribed and certain provisions have been introduced which gravely imperil the development of a free and united nation and the establishment of a democratic State. Even the constitution-making body is so constituted that the people's right to self-determination is vitiated by the introduction of non-representative elements. The people of India have as a whole clearly demanded full independence and the Congress has repeatedly declared that no other status except that of independence for the whole of India could be agreed to or could meet the essential requirements of the present situation. The Committee recognize that future independence may be implicit in the proposals, but the accompanying provisions and restrictions are such that real freedom may well become an illusion. The complete ignoring of the ninety millions of the Indian States and their treatment as commodities at the disposal of their rulers is a negation of both democracy and self-determination. While the representation of an India State in the constitution-making body is fixed on a population basis, the people of the State have no voice in choosing those representatives, nor are they to be consulted at any stage, while decisions vitally affecting them are being taken. Such States may in many ways become barriers to the growth of Indian freedom, enclaves where foreign authority still prevails and where the possibility of maintaining foreign armed forces has been stated to be a likely contingency, and a perpetual menace to the freedom of the people of the States as well as of the rest of India.

The acceptance beforehand of the novel principle of non-accession for a Province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the Provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves in the Indian Union. The Congress has been wedded to Indian freedom and Unity and any break in that unity, especially in the modern world when people's minds inevitably think in terms of ever larger federations, would be injurious to all concerned and exceedingly painful to contemplate. Nevertheless the Committee cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will. While recognizing this principle, the Committee feel that every effort should be made to create conditions which would help the different units in developing a common and co-operative national life. The acceptance of the principle inevitably involves that no changes should be made which result in fresh problems being created and compulsion being exercised on other substantial groups within that area. Each territorial unit should have the fullest possible autonomy within the Union, consistently with a strong national State. The proposal now made on the part of the British War Cabinet encourages and will lead to attempts at separation at the very inception of a union and thus create friction just when the utmost co-operation and goodwill are most needed. This proposal has been presumably made to meet a communal demand, but it will have other consequences also and lead politically reactionary and obscurantist groups among different communities to create trouble and divert public attention from the vital issues before the country.

Any proposal concerning the future of India must demand attention and scrutiny, but in today's grave crisis, it is the present that counts, and even proposals for the future are important in so far as they affect the present. The Committee have necessarily attached

the greatest importance to this aspect of the question, and on this ultimately depends what advice they should give to those who look to them for guidance. For this present the British War Cabinet's proposals are vague and altogether incomplete, and it would appear that no vital changes in the present structure are contemplated. It has been made clear that the Defence of India will in any event remain under British control. At any time Defence is a vital subject; during wartime it is all important and covers almost every sphere of life and administration. To take away Defence from the sphere of responsibility at this stage is to reduce that responsibility to a farce and a nullity, and to make it perfectly clear that India is not going to be free in any way and her Government is not going to function as a free and independent government during the pendency of the war. The Committee would repeat that an essential and fundamental prerequisite for the assumption of responsibility by the Indian people in the present is their realization as a fact that they are free and are in charge of maintaining and defending their freedom. What is most wanted is the enthusiastic response of the people, which cannot be evoked without the fullest trust in them and the devolution of responsibility on them in the matter of defence. It is only thus that even at this grave eleventh hour it may be possible to galvanize the people of India to rise to the height of the occasion. It is manifest that the present Government of India, as well as its provincial agencies, are lacking in competence, and are incapable of shouldering the burden of India's defence. It is only the people of India, through their popular representatives, who may shoulder this burden worthily. But that can only be done by present freedom, and full responsibility being cast upon them.

The Committee, therefore, are unable to accept the proposals put forward on behalf of the British War Cabinet.

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## Muslim League Resolution

*The following is the text of the resolution passed by the Working Committee of the All-India Muslim League on the Cripps proposals. The resolution was released to the Press on April 11:*

The Working Committee of the All-India Muslim League have given their most earnest and careful consideration to the announcement made by Mr. Churchill, the British Prime Minister, in the House of Commons on March 11, 1942, and the Draft Declaration of the War Cabinet of His Majesty's Government regarding the future of India and also the interim proposals, during the critical period which now faces India, for the immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country.

The Committee appreciate that the British Prime Minister, in his pronouncement, made it clear that the Draft Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India, thus maintaining the validity of the Declaration of August 8, 1940, which had promised to the Mussalmans that neither the machinery for the framing of the constitution should be set up nor the constitution itself should be enforced without the approval and consent of Muslim India.

The Committee, while expressing their gratification that the possibility of Pakistan is recognized by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government embodying the fundamentals, are not open to any modification and, therefore, no alternative proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification, the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for reasons given below.

(1) The Mussalmans, after twenty-five years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interest of peace and happiness of the two peoples, to compel them to constitute one Indian Union, composed of the two principal nations—Hindus and Muslims—which appears to be the main object of His Majesty's Government,) as adumbrated in the Preamble of the Draft Declaration, the creation of more than one union being relegated only to the realm of remote possibility and is purely illusory.

(2) In the Draft Declaration a constitution-making body has been proposed with the primary object of creating one Indian union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones; and it will, therefore, be unfair to the Mussalmans to compel them to enter such a constitution-making body, whose main object is the creation of a new Indian Union. With conditions as they are, it will be not only futile but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

Besides, the machinery which has been proposed for the creation of the constitution-making body, namely, that it will consist of members elected by the newly elected Lower Houses of the eleven provinces, upon the cessation of hostilities, as a single electoral college by the system of proportional representation, is a fundamental departure from the right of the Mussalmans, hitherto enjoyed by them, to elect their representatives by means of separate electorates, which is the only sure way in which true representatives of the Mussalmans can be chosen.

The constitution-making body will take decisions by a bare majority on all questions of most vital and paramount character involved in the framing of the constitution, which is a departure from the fundamental principles of justice and contrary to constitutional

practice so far followed in the various countries and Dominions; and the Mussalmans, by agreeing to this will, instead of exercising their right and judgment as a constituent factor, be at the entire mercy of the constitution-making body, in which they will be a minority of about twenty-five per cent.

(3) The right of non-accession to the Union, as contemplated in the Draft-Declaration, has been conceded; presumably, in response to the insistent demands by the Mussalmans for the partition of India, but the method and procedure laid down are such as to negative the professed object, for, in the draft proposals, the right of non-accession has been given to the existing Provinces, which have been formed from time to time for administrative convenience and on no logical basis.

The Mussalmans cannot be satisfied by such a Declaration on a vital question affecting their future destiny and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issues is to court disaster.

In the draft proposals no procedure has been laid down as to how the verdict of the Province is to be obtained in favour of, or against, accession to one Union; but in the letter dated April 2, from the secretary of Sir Stafford Cripps, addressed to the President of the All-India Muslim League, it is stated that "a Province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in. If the majority for accession to the Union is less than sixty per cent., the majority will have the right to demand a plebiscite of the adult population." In this connection it must be emphasized that in the Provinces where the Mussalmans are in a majority, as in the case of the major Provinces of Bengal and Punjab, they are in a majority in the Legislative Assemblies; and in the Assemblies of Sind and the North-West Frontier Province, the total number, namely, sixty and fifty respectively, is so small

and the weightage given to the non-Muslims so heavy that it can be easily manipulated and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Mussalmans of those Provinces,

As regards the suggested plebiscite in the Provinces in which the Mussalmans are in a majority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult population of the Provinces and not to the Mussalmans alone, which is to deny them the inherent right to self-determination.

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a union.

(5) With regard to the treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement on the terms between the contracting parties, nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to their interim arrangement, there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. The Committee are, therefore, unable to express their opinion, until a complete picture is available. Another reason why the Committee are unable to express their opinion of the interim arrangements for participation in the counsels of the country, is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole and that it would not be possible to retain only the part relating to the immediate arrangements at the centre and discard the rest of the

draft scheme, and as the Committee has come to the conclusion that the proposals for the future are unacceptable it will serve no useful purpose to deal further with the question of the immediate arrangements.

In conclusion the Committee wish to point out that the position of the Muslim League has been and is that unless the principle of Pakistan scheme, as embodied in the Lahore Resolution dated March, 1940, which is now the creed of the All-India Muslim League, namely,

“ The establishment of completely independent States formed by demarcating geographically contiguous units into regions which shall be so constituted, with such territorial readjustments as may be necessary that the areas in which the Mussalmans are numerically in a majority, as in the North-Western and eastern zones of India, shall be grouped together to constitute independent States as Muslim free national homelands in which the constituent units shall be autonomous and sovereign :

“ That adequate, effective and mandatory safeguards shall be specifically provided in the constitution for minorities in the above-mentioned units and regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them ;

“ That in other parts of India where the Mussalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them,”

is unequivocally accepted and the right of the Mussalmans to self-determination is conceded by means of a machinery which will reflect the true verdict of Muslim India, it is not possible for the Muslim League to accept any proposal or scheme regarding the future.

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## **"The Wavell Plan"**

### **(a) The Viceroy's Broadcast—June 14, 1945 :—**

H. E. the Viceroy, Lord Wavell, broadcast as follows from New Delhi on June 14, 1945 :—

I have been authorised by His Majesty's Government to place before Indian political leaders proposals designed to ease the present political situation and to advance India towards her goal of full self-government. These proposals are at the present moment being explained to Parliament by the Secretary of State for India. My intention in this broadcast is to explain to you the proposals, the ideas underlying them, and the method by which I hope to put them into effect.

This is not an attempt to obtain or impose a constitutional settlement. His Majesty's Government had hoped that the leaders of the Indian parties would agree amongst themselves on a settlement of the communal issue, which is the main stumbling-block ; but this hope has not been fulfilled.

In the meantime, India has great opportunities to be taken and great problems to be solved, which require a common effort by the leading men of all parties. I therefore propose, with the full support of His Majesty's Government, to invite Indian leaders both of Central and Provincial politics to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Muslims. It would work, if formed, under the existing Constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member. It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's Commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road to self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians, while an Indian will also be charged with the management of India's Foreign Affairs. Moreover, Members will now be selected by the Governor-General after consultation with political leaders, though their appointment will of course be subject to the approval of His Majesty the King-Emperor.

The Council will work within the framework of the present constitution ; and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control ; but it will of course not be exercised unreasonably.

I should make it clear that the formation of this interim Government will in no way prejudice the final constitutional settlement.

The main tasks for this new Executive Council would be :

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the Government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of the Government think it possible, the means by which such agreement can be achieved. The third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of

the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

I have considered the best means of forming such a Council ; and have decided to invite the following to Viceregal Lodge to advise me.

Those now holding office as Premier in a Provincial Government ; or, for Provinces now under Section 93 Government, those who last held the office of Premier.

The Leader of the Congress Party and the Deputy Leader of the Muslim League in the Central Assembly ; the Leader of the Congress Party and the Muslim League in the Council of State ; also the leaders of the Nationalist Party and the European Group in the Assembly.

Mr. Gandhi and Mr. Jinnah as the recognised leaders of the two main political parties.

Rao Bahadur N. Siva Raj to represent the Scheduled Classes.

Master Tara Singh to represent the Sikhs.

Invitations to these gentlemen are being handed to them today and it is proposed to assemble the Conference on 25th June at Simla where we shall be cooler than at Delhi.

I trust that all those invited will attend the Conference and give me their help. On me and on them will lie a heavy responsibility in this fresh attempt to make progress towards a final settlement of India's future.

If the meeting is successful, I hope that we shall be able to agree on the formation of the new Executive Council at the Centre. I also hope that it will be possible for Ministries to re-assume office and again undertake the tasks of government in the Provinces now administered under Section 93 of the Constitution Act and that these Ministries will be coalitions.

If the meeting should unfortunately fail, we must carry on as at present until the parties are ready to

come together. The existing Executive Council, which has done such valuable work for India, will continue it if other arrangements cannot be agreed.

But I have every hope that the meeting will succeed, if the party leaders will approach the problem with the sincere intention of working with me and with each other. I can assure them that there is behind this proposal a most genuine desire on the part of all responsible leaders in the United Kingdom and of the British people as a whole to help India towards her goal. I believe that this is more than a step towards that goal, it is a considerable stride forward, and a stride on the right path.

I should make it clear that these proposals affect British India only and do not make any alteration in the relations of the Princes with the Crown Representative.

With the approval of His Majesty's Government, and after consultation with my Council, orders have been given for the immediate release of the members of the Working Committee of Congress who are still in detention. I propose to leave the final decision about the others still under detention as a result of the 1942 disturbances to the new Central Government, if formed, and to the Provincial Governments.

The appropriate time for fresh elections for the Central and Provincial legislatures will be discussed at the Conference.

Finally, I would ask you all to help in creating the atmosphere of goodwill and mutual confidence that is essential if we are to make progress. The destiny of this great country and of the many millions who live in it depends on the wisdom and good understanding of the leaders, both of action and of thought, British and Indian, at this critical moment of India's history.

India's military reputation never stood higher in the world than it does at present; thanks to the exploits of her sons drawn from all parts of the country. Her representatives at International Conferences have won

high regard for their statesman-like attitude. Sympathy for India's aspirations and progress towards prosperity was never greater or more wide-spread. We have thus great assets if we can use them wisely. But it will not be easy, it will not be quick; there is very much to do, there are many pitfalls and dangers. There is on all sides something to forgive and forget.

I believe in the future of India, and as far as in me lies will further her greatness. I ask you all for your co-operation and goodwill.

**(c) H. E. the Viceroy's Statement of July 14, 1945.**

Text of the statement made by H. E. the Viceroy, Lord Wavell, at the Simla Conference on July 14, 1945.

I must give the Conference an account of what has happened since we adjourned on June 29. As you know, my original intention was that the Conference should agree upon the strength and composition of the Executive Council, and that thereafter Parties should send me lists of names. To these lists I would, if necessary, have added names of my own, and attempted to form on paper an Executive Council which might be acceptable to His Majesty's Government, myself, and the Conference. I intended to discuss my selections with the leaders, and finally to put them to the Conference.

2. Unfortunately, the Conference was unable to agree about the strength and composition of the Executive Council, and on the 29th June I undertook, with the approval of the Conference, to endeavour to produce a solution not based on any formula agreed in advance. I asked the parties to let me have lists of names, and said I would do what I could to produce a solution acceptable to the leaders and to the Conference.

3. I received lists from all parties represented here except from the European Group, who decided not to send a list, and the Muslim League. I was, however, determined that the Conference should not fail until

I had made every possible effort to bring it to a successful ending. I therefore made my provisional selections including certain Muslim League names, and have every reason to believe that if these selections had been acceptable here they would have been acceptable to His Majesty's Government.

4. My selections would, I think, have given a balanced and efficient Executive Council, whose composition would have been reasonably fair to all the parties. I did not find it possible, however, to accept the claims of any party in full. When I explained my solution to Mr. Jinnah he told me that it was not acceptable to the Muslim League, and he was so decided that I felt it would be useless to continue the discussions. In the circumstances I did not show my selections as a whole to Mr. Jinnah, and there was no object in showing them to the other leaders.

5. The Conference has therefore failed. Nobody can regret this more than I do myself. I wish to make it clear that the responsibility for the failure is mine. The main idea underlying the Conference was mine. If it had succeeded, its success would have been attributed to me, and I cannot place the blame for its failure upon any of the parties. I ask the party leaders to accept this view, and to do all they can to ensure that there are no recriminations. It is of the utmost importance that this effort to secure agreement between the parties and communities should not result in a worsening of communal feeling. I ask all to exercise the greatest possible restraint.

6. I have now to consider the next steps. I must remind you that, whatever happens, the first two of the three tasks mentioned in my broadcast—the prosecution of the war against Japan, and the carrying on of the administration and preparation for post-war development must be performed by the Government of India for the time being in office. It will be my duty to see that these tasks are performed with the greatest energy that I can impose, and I cannot permit any hindrance to them.

7. I propose to take a little time to consider in what way I can best help India after the failure of the Conference. You can all help best by refraining from recriminations. The war against Japan must be carried on, and law and order must be maintained; and until I see my way more clearly than I do now, it may be difficult, perhaps impossible, to suggest any new move. No Government can carry on under the daily prospect of change or dissolution. I have to secure the stability and day to day efficiency of my Government, and it would be impossible to enter upon continuous or even frequent political discussions of this kind. Whatever decisions His Majesty's Government may take in the near future must therefore, in all probability, hold good for some little time.

8. I thank you all for the help you have given me, and for the restraint, patience and understanding which you have shown. Do not any of you be discouraged by this set back. We shall overcome our difficulties in the end. The future greatness of India is not in doubt.

### **ANNOUNCEMENT OF SEPTEMBER 19, 1945**

Text of the broadcast speech by H. E. the Viceroy, Lord Wavell, on September 19, 1945 :

After my recent discussions with His Majesty's Government in London, they authorised me to make the following announcement :

"As stated in the gracious speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost, to promote in conjunction with leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken."

"An announcement has already been made that elections to the Central and Provincial Legislatures, so long postponed owing to the war, are to be held during the coming cold weather. Thereafter His Majes-

ty's Government earnestly hope that ministerial responsibility will be accepted by political leaders in all Provinces."

"It is the intention of His Majesty's Government to convene as soon as possible a constitution-making body, and as a preliminary step they have authorised me to undertake, immediately after the elections, discussions with representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 declaration are acceptable or whether some alternative or modified scheme is preferable. Discussion will also be undertaken with the representatives of the Indian States with a view to ascertaining in what way they can best take their part in the constitution-making body.

"His Majesty's Government are proceeding to the consideration of the content of the treaty which will require to be concluded between Great Britain and India."

"During these preparatory stages, the government of India must be carried on, and urgent economic and social problems must be dealt with. Furthermore, India has to play her full part in working out the new World Order. His Majesty's Government have therefore further authorised me, as soon as the results of the Provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties."

That is the end of the announcement which His Majesty's Government have authorised me to make. It means a great deal. It means that His Majesty's Government are determined to go ahead with the task of bringing India to self-government at the earliest possible date. They have, as you can well imagine, a great number of most important and urgent problems on their hands; but despite all their preoccupations they have taken time, almost in their first days of office, to give attention to the Indian problem, as one of the first and most important. That fact is a measure



of the earnest resolve of His Majesty's Government to help India to achieve early self-government.

The task of making and implementing a new Constitution for India is a complex and difficult one which will require goodwill, co-operation and patience on the part of all concerned. We must first hold elections so that the will of the Indian electorate may be known. It is not possible to undertake any major alteration of the franchise system. This would delay matters for at least two years. But we are doing our best to revise the existing electoral rolls efficiently. After the elections I propose to hold discussions with representatives of those elected, and of the Indian States to determine the form which the Constitution-making Body should take, its powers and procedure. The draft declaration of 1942 proposed a method of setting up a Constitution-making Body but His Majesty's Government recognise that in view of the great issues involved and the delicacy of the minority problems, consultation with the people's representatives is necessary before the form of the Constitution-making Body is finally determined.

The above procedure seems to His Majesty's Government and myself the best way open to us to give India the opportunity of deciding her destiny. We are well aware of the difficulties to be overcome but are determined to overcome them. I can certainly assure you that the Government and all sections of the British people are anxious to help India, which has given us so much help in winning this war. I for my part will do my best, in the service of the people of India to help them to arrive at their goal and I firmly believe that it can be done.

It is now for Indians to show that they have the wisdom, faith and courage to determine in what way they can best reconcile their differences and how their country can be governed by Indians for Indians.

The Constituent Assembly that is to find the constitution for the new India will be elected by the provincial Legislative Assemblies, except for the four members to

represent small political units and the 93 to represent the Indian States. The method of election will be that in each Legislative Assembly each part of it, General, Muslim or Sikh, will elect its own representatives by proportional representation with the single transferable vote. This is used for some of the university seats at a British general election and in India for elections to the Legislative Councils by the Legislative Assemblies. It is easy to work for the voter, but may be hard on the tellers who have to deal not only with straight votes but with preferences.

Under this system a voter is given a voting paper with the list of candidates. He has one vote only, but as many preferences as there are vacancies to be filled. He may wish to see A elected, but if A does not need his vote he would choose B; if B too does not want it then C, and so on. So he marks the names 1, 2, 3, etc., for first, second, third, etc. choice. When a candidate has as many votes as are required to elect him, he is done with, any more votes for him are scrutinized and given to the second choice; and when the second choice has enough, to the third choice. This continues until the necessary number of candidates have the necessary number of votes for election. If there are 10 vacancies and the electing House numbers 100, 10 votes put a man in. There is no lead of the poll; how many give a man their votes is immaterial, provided he gets the number he wants; others have whatever excess there may be for his name. When there are 45 vacancies to fill, as in the General part in Madras, the tellers will find it tedious work to bring into effect the lowest preferences if, which is unlikely, the voters are patient enough to go so far and the lower ranks of preference should happen to be required in the final adjustment. All elected are equally elected, however they get there; if a man gets in by a number of 45th preferences, he will happily not know it.

To take some examples. Bihar is given on the Constituent Assembly 31 General seats, 5 Muslim. The Legislative Assembly which elects them has 151

members, besides the Speaker—40 Muslims and 111 non-Muslims. The former will elect the 5 Muslims. The latter will elect the 31 General, which means that three votes will put a man in. In Bengal, where Muslim representatives are 33 and General 27, the two sides of the electing body are about equal; the quota required is in the neighbourhood of 45. Thus the four Anglo-Indian members with one helper could make sure of one, the 25 European members could put in five, the 30 Scheduled Caste members six. Minorities in all Assemblies, it may be assumed, will work together to make the most of their small voting strength, unless they decide to look chiefly to the Advisory Committee for the protection of their interests.

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### **\* Extracts from a diary of the events connected with the Cabinet Mission's Visit to India**

March 16: Prime Minister Attlee in his speech said: "We are mindful of the rights of the minorities and they should be able to live free from fear. On the other hand, we cannot allow a minority to place a veto on the advance of a majority." (The above passage in the Prime Minister's speech created a favourable impression in Congress circles while Mr. Jinnah got infuriated.)

March 17: Mr. Jinnah in a statement at Bombay said: "If the negotiations with the Cabinet Mission are to proceed on the basis of who can shed more blood and who can bribe the British more, Muslims and the Muslim League can and will play a part if driven to desperation, which will bring a civil war which Mr. Vallabhbhai Patel has been threatening us. And so far as trade is concerned it is not realised that the largest consumer of British goods are the Muslims. They can also play a big part in paralysing British trade if they were to resolve to do so."

March 24: The three members of the Cabinet Mission arrive in New Delhi. Lord Pethick-Lawrence's party consisted of Sir William Croft, Deputy Under-Secretary of State, Mr. F.F. Turnbull, Mr. A.H. Joyce, Publicity Adviser, Col. Frazer and E.W.R. Lumley.

Sir Stafford Cripps' party consisted of Major Wyatt, M.P. Major Short and Mr. G.B. Blaker.

Mr. A.V. Alexander's party consisted of Mr. F.W. Mothershead and Miss Booker. Mr. T.L. Crosthwait was attached as special officer with the delegation.

March 25: At the first Press conference, Lord Pethick-Lawrence said: "The issue of self-determination is settled in principle. We have now to work out in co-operation the means by which Indians can themselves decide the form of their new institutions, with the minimum of disturbance and the maximum of speed."

Explaining Prime Minister Attlee's statement the Secretary of State said: "Mr. Attlee's statement does not mean that the reasonable claims of the minorities are to be disregarded. The results of the provincial elections have shown that the voters look to two main parties—the Congress and Muslim League. While the Congress Party represents the majority it would not be right to regard the League as representative only of a minority. The Muslims are a great deal more than a minority community and the League represents the great majority of Muslims."

March 26: The Cabinet Mission met the members of the Executive Council.

March 27: Sir John Thorne, Home Member, saw the Secretary of State for India and discussed the question of release of political prisoners.

The Publicity Adviser of the Delegation at a Press conference said: "There is no question of the ultimate constitutional machinery being prejudiced by setting up an interim government." Explaining Mr. Attlee's statement he said: "There is clearly two-fold obligation—that of the minorities not to veto the advance of the

majority and that of the majority to take into full account the rights of the minorities."

March 28: The provincial Governors met the delegation and the Viceroy. The Governors of Assam and North West Frontier Province met the Cabinet ministers individually.

Major General El-Edroos, Major General H.R.C. Lane, Major General Rane, Major General Gurdial Singh, Major General Inskip, military chiefs of Hyderabad, Baroda, Gwalior, Patiala and Bhopal met at Bombay and then later at Delhi to discuss the organization of the Indian State forces.

March 29: Mrs. Naidu dined with Lord Pethick-Lawrence. The Cabinet Ministers had several meetings with the Assam Governor Sir Andrew Clow. The League Working Committee authorised Mr. Jinnah to carry on negotiations with the Cabinet Mission.

April 1: Sir Stafford Cripps in his Press conference said: "We shall be withdrawing entirely from the scene when the constitutional structure is agreed upon." Sir Stafford Cripps called on Gandhiji at Bhangi Colony and then both of them drove together to Lord Pethick-Lawrence with whom Gandhiji was closetted.

Dr. Khan Sahib and Mr. Gopinath Bardoloi, Frontier and Assam Premiers saw the members of the delegation. Nawab of Bhopal, Chancellor of the Chamber of Princes, met Mr. Jinnah. A black flag demonstration was staged against Gandhiji at Bhangi Colony by the Ambedkarites. They threw stones which fell near Gandhiji's room.

Mr. Jinnah in an interview to Mr. Norman Cliff, foreign editor of the *News Chronicle*, said: "There is no room for us to compromise on the issue of Pakistan. It is a question of our very existence.

Asked if that inferred loyalty to the community before loyalty to the country, Mr. Jinnah replied: "There is no country in that sense. I do not regard

myself as an Indian. India is a state of nationalities including two major nations and all we claim is a distinct sovereign state for our country —Pakistan.

Mr. Jinnah continued: "Russia means trouble as far as I can judge and I think the sooner you agree to Pakistan, the better it will be for you and us. No Muslim State can look on with complacency if Russia establishes a stronghold in Persia and one thing is certain that the entire Muslim block will stand together in its own interest. As soon as we become self-governing and have Pakistan there will be a powerful and friendly state.

Norman Cliff: If the Congress were persuaded to offer you an equal share in the succession would you be prepared to accept it?

Mr. Jinnah: No, I say to Congress: Divide. I do not want to live jointly with you: If you talk in any other terms it is only camouflage. There cannot be any equal share between two nations thrown together, one in an overwhelming majority of three to one. It is unnatural and artificial, because at every step in matters of life we shall differ and a constitution of this type can never stand.

April 2: The rulers of Bhopal, Gwalior, Patiala, Bikaner and Nawalgarh saw the Cabinet Mission and the Viceroy.

Mr. Jinnah dined with the Nawab of Bhopal. Mr. Abdul Qayyum and Sir Mohammad Saadullah saw the delegation. Later, Nawab of Mamdot, Mr. G.M. Syed, Sir Ghulam Hussain Hidayatullah and Sir Khizr Hyat Tiwana saw the members of the delegation.

The members of the delegation called on Sir Tej Bahadur Sapru who was ill and had a long discussion with him.

The delegation met the members of the Standing Committee of the All-India Newspaper Editors' Conference.

April 3: Mr. M.A. Jinnah in an interview to Mr. Donald Edwards, B. B. B. correspondent, said: "In a

federation, the members of the State are compelled to grant more and more powers to the central authority. Little by little, they lose their independence. The central authority in India will inevitably be Hindus. The Muslims in minority provinces may accept the citizenship in the State in which they are; they can remain there as foreigners or they can come back to Pakistan.

Maulana Azad saw the Cabinet Mission.

April 4: The Rulers of Dungaipur and Bilaspur met the delegation on behalf of smaller States.

Sir Tej Bahadur Sapru asked for the setting up of an interim Government on the basis of parity between the Hindus and Muslims.

April 5: A number of unofficial meetings between Cripps, Nehru, Mr. Jinnah, Sardar Patel and Maulana Azad.

Master Tara Singh and Dr. Ambedkar met the delegation. Later Sardar Baldev Singh and Giani Kartar Singh also met the delegation.

Sardar Vallabhbhai Patel in an interview to Reuter's special Correspondent Fraser Wighton declared: "If Mr. Jinnah is not an Indian, there can be no question of his participation in the Indian Constitution. It is a monstrous thing that a man claims different nationality because he changes his religion.

April 6: Congress premiers, Mr. Kher, Pt. G.B. Pant, Mr. S.K. Sinha, Pandit Shukla, Mr. H.K. Mahatab and Mr. Bardoloi met the delegation.

April 7: Muslim Legislators' convention. Mr. Jinnah in his presidential speech accused Gandhiji of promising preference to British goods and hoped that the commercial tendencies of Britain would not induce that country to accept the Congress' illusory hopes and promises. Muslims, in his opinion, were the biggest consumers of British goods.

April 8: Mr. Jagjivan Lal, Mr. Radha Nath Das and Mr. Prithvi Singh Azad met the delegation on behalf of Harijan Congress M.L.As.

Sir C.P. Ramaswamy Ayyer, Sir Mirza Ismail and Nawab of Chhittari met the delegation on behalf of the states.

April 10: Hysterical speeches were made at Muslim League convention. Mr. Jinnah said, if Britain could go to the rescue of Armenians during the time of Gladstone surely Pakistan could not stand aside when the minorities were ill-treated in Hindustan.

Mr. Abdul Qayum: If the British force the Muslims by the setting up of a Government of the Akhand Hindustan type and if they decide there will be one constituent assembly then the Muslims will have no other alternative but to take out the sword and rebel against it.

Begam Shah Nawaz: Muslim women would call upon their husbands and sons to take up arms for Pakistan if the British tried to establish Akhand Hindustan against the will of Muslims.

Firoz Khan Noon: If the Hindus give us Pakistan they will be our best friends. If the British give us Pakistan they will be our friends, but if neither give us Pakistan then Russia will give it to us. I tell you this much if we find that we have to fight Great Britain for placing us under one central Government or Hindu Raj than the havoc which the Muslims will play will put to shame what Changez Khan and Halaku Khan did. The only course left open to Muslims was to look to Russia. There was already a great movement in the Punjab in favour of communism." The Muslim League legislators took an oath pledging that they will willingly and unflinchingly carry out all the directions which may be issued by the Muslim League in pursuance of a movement launched by it for the attainment of the cherished goal of Pakistan and would face any danger trial and sacrifice which might be demanded of them.

The following resolution was passed by the convention :

"Whereas in this vast sub-continent of India hundred million Muslims are the adherents of a faith which regulates every department of their life (educational, social, economic and political), whose code is not



confined merely to spiritual doctrines and tenets or rituals and ceremonies, and which stands in sharp contrast to the exclusive nature of Hindu Dharma and philosophy, which has fostered and maintained for thousands of years a rigid caste system resulting in the degradation of 60 million human beings to the position of untouchables, creation of unnatural barriers between man and man and super-imposition of social and economic inequalities on a large body of the people of this country, and which threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically.

“Whereas the Hindu caste system is a direct negation of nationalism, equality, democracy and all the noble ideals that Islam stands for :

Whereas different historical backgrounds, traditions, cultures, social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals ; and whereas after centuries they still remain two distinct major nations ;

“Whereas soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule, which meant that the majority of one nation or society could impose its will on the majority of the other nation or society in spite of their opposition, as was amply demonstrated during the two and a half years’ regime of Congress Governments in the Hindu majority provinces under the Government of India Act, 1935, when the Muslims were subjected to untold harassment and oppression as a result of which they were convinced of the futility and ineffectiveness of the so-called safeguards provided in the constitution and in the Instrument of Instructions to the Governors and were driven to the irresistible conclusion that in a United Indian Federation, if established, the Muslims even in majority provinces would meet with no better fate, and their rights and interests could never be

adequately protected against the perpetual Hindu majority at the Centre ;

"Whereas the Muslims are convinced that with a view to saving Muslim India from the domination of the Hindus, and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the north-east zone and the Punjab, the North-West Frontier Province, Sind and Baluchistan in the north-west zone :

"This convention of the Muslim League legislators of India, Central and Provincial, after careful consideration hereby declares that the Muslim nation will never submit to any constitution for a united India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India, which does not conform to the following just, equitable principles, calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem :—

#### PAKISTAN ZONES

"First that the zones comprising Bengal and Assam in the north-east and the Punjab, the North-West Frontier Province, Sind and Baluchistan in the north-west of India, namely, Pakistan zones where the Muslims are a dominant majority be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay.

"Second, that two separate constitution-making bodies be set up by peoples of Pakistan and Hindustan for the purpose of framing their respective constitutions.

"Third, that the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League resolution passed on March 23, 1940, at Lahore.

"Fourth, that the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an interim Government at the Centre.

"This convention further emphatically declares that any attempt to impose a constitution on a united India basis or to force any interim arrangement at the Centre contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

April 10 : Mr. C. R. Lawson, the leader of the European Group in the Central Assembly, Raja Sir Maharaj Singh, Mr. B. L. Rallia Ram, Mr. R. Rathnasamy, President, Catholic Union of India, and Mr. Frank Anthony, Anglo-Indian leader, met the delegation.

April 11 : Mrs. Hansa Mehta, President of the All-India Women's Conference, met the delegation.

April 12 : Mr. Sarat Chandra Bose, Leader of the Opposition in the Central Assembly, and Mr. P. G. Griffiths met the delegation.

April 15 : Maulana Azad, the Congress President, in a statement declared : The Congress stands for four fundamental things. First, complete independence, second, a united India, third, one Federation composed of fully autonomous units, which will have residuary powers in their hands and fourth, two lists of Central subjects, one compulsory and the other optional."

Dr. Shyama Prasad Mookerjee, President Hindu, Mahasabha, and Mr. L. P. Bhopatkar met the delegation.

Sir Stafford Cripps met Mr. Jai Prakash Narain and had a talk with him for 50 minutes on socialism.

The members of the Congress Working Committee and the Muslim League Working Committee met the delegation.

April 17 : Mr. P. C. Joshi, Indian communist leader, met the delegation and presented a memorandum to them. Sir P. T. Rajan of the Madras Justice Party, also met the delegation.

General Mosely Mayne of India Office arrived in New Delhi.

The delegation left for Srinagar on April 19 and remained there till April 24. They visited Nishat and Shalimar gardens.

April 28: The delegation invited four members of the Committees of the Muslim League and the Congress each at a tripartite conference at Simla.

On May 2 the scene shifted to Simla. The delegation and the Congress leaders had to wait for Mr. Jinnah for four days in Simla.

May 5: Simla conference met at 10 a.m. The eight leaders who attended on behalf of the Congress and the League Working Committees were: Maulana Azad, Pandit Jawaharlal Nehru, Sardar Vallabhbhai Patel, Khan Abdul Ghaffar Khan, Mr. M.A. Jinnah, Nawabzada Liyaquat Ali Khan, Nawab Mohammad Ismail Khan and Mr. Abdul Rab Nishtar.

After a two-day sitting the conference adjourned till May 8 but actually met on May 9.

May 9: The members of the Executive Council including the Commander-in-Chief "placed their respective portfolios at the disposal of His Majesty the King and his Excellency the Viceroy in order to facilitate the arrangements which the Mission and the Viceroy are seeking to make." Mr. Jinnah and Pandit Nehru met together for half an hour during the conference.

May 11: Pandit Nehru met Mr. Jinnah at the latter's residence and had a long discussion with him on a proposal for referring the Congress-League dispute to arbitration.

May 12: The failure of the Simla conference to come to any agreement was announced.

May 17: Cabinet Mission's statement on the long-term and short-term arrangements.

May 18: The Viceroy's Broadcast. Gandhiji in his prayer meeting said that the British proposals contained seeds to convert this land of sorrow into one without sorrow and suffering.

May 21: Sir Stafford Cripps fell ill and was admitted into Willingdon Nursing Home.

May 24: Congress resolution on the British plan.

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Malru & Gumbin met Lord Robert Lawrence and Sir Stafford Cripps